

91st Illinois General Assembly Senate Transcript

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

97th Legislative Day

April 7, 2000

PRESIDENT PHILIP:

The regular Session of the 91st General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Reverend Sean Denny, St. Luke's Episcopal Church, Springfield, Illinois. Reverend Denny.

THE REVEREND SEAN DENNY:

(Prayer by the Reverend Sean Denny)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Wendell Jones. Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, April the 5th, 2000.

PRESIDENT PHILIP:

Senator Myers.

SENATOR MYERS:

Mr. President, I move that the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Myers moves to approve the Journal just read. There being no objection, so ordered. Senator Myers.

SENATOR MYERS:

Mr. President, I move that reading and approval of the Journal of Thursday, April 6th, in the year 2000, be postponed, pending arrival of the printed Journal.

PRESIDENT PHILIP:

Senator Myers moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Senator Parker, for what purpose do you rise?

SENATOR PARKER:

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Thank you, Mr. President. For a point of personal privilege.

PRESIDENT PHILIP:

State your point.

SENATOR PARKER:

I have with me today, on the Floor, Noah Furman and Natalie Fonteyne, and up in the gallery is Boris Furman and Jaclyn Fonteyne, Louise and Luke Fonteyne. And they're from my district. Please give them a warm welcome.

PRESIDENT PHILIP:

Please stand and be recognized by the Senate. House Bills 1st Reading.

SECRETARY HARRY:

House Bill 298, offered by Senator Rauschenberger.

(Secretary reads title of bill)

1st Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Ladies and Gentlemen, the attention of the Membership, our first order of business will be House Bills 3rd Reading. So I would advise the Members to -- to come to the Chamber. This is the final day of House Bills 3rd Reading. Senator Smith, for what purpose do you arise?

SENATOR SMITH:

...President, Ladies and Gentlemen of the Senate, I want to call to your attention, on last evening, the House Bill 3225 was voted on. I made a mistake in my voting and I wanted to correct it and say that I was voting Yes on 3225, instead of No.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Smith, the record will so indicate your intent. Thank you. Resolutions.

SECRETARY HARRY:

Senate Resolutions 341 and 342, offered by Senator Sullivan.

And Senate Resolutions 343, 344 and 345, offered by Senator

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Myers.

They're all death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. When we start on House Bills 3rd Reading, on the middle of page 6, Senator Cronin, you will be first up. Senator Cronin, you will be first up on House Bills 3rd Reading. Senator Philip, Senator Myers, Senator Madigan, Senator Lauzen. Last call for the Members to come to the Floor. We can't guarantee that we'll be going back a second time. Middle of page 6. House Bills 3rd Reading. House Bill 709. Senator Cronin. House Bill 840. Senator Myers. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 840.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Myers.

SENATOR MYERS:

Thank you, Mr. President, Members of the Senate. Senate Bill -- or, House Bill 840 amends the Local Records Act. It allows for the disposition of local records after retention by at least ten years after they've been digitized in a manner that provides that the reproduction process makes a very durable medium. We added an amendment and the amendment went along with some language that

was requested by Dr. John Daly, who is the archivist for the State of Illinois. In addition, that bill contains language that was earlier presented to this Body and passed that sets up a GIS system and a fee structure so that the counties can put in place this GIS system, which allows them to adequately make sure that when they do assess property tax, that it is absolutely accurate. So those are the two components. I'd be glad to answer any questions, but if not, would ask for a favorable vote.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 840 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 840, having received the required constitutional majority, is declared passed. House Bill 986. Senator Madigan. House Bill 1324. Senator Lauzen. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1324.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. House Bill 1324 amends the Illinois Income Tax Act to require employers to provide information to employees as to the amount of any tax-exempt contributions to a medical savings account.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the... All right. The question is, shall House Bill 1324 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1324, having received the required constitutional majority, is declared passed. Bottom of page 6 is House Bill 1597. Senator Radogno. Senator Radogno on the Floor? All right. Top of page 7. House Bill 1785. Senator Petka, for Senator Geo-Karis. Read the bill,

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Mr. Secretary.

SECRETARY HARRY:

House Bill 1785.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. House Bill 1785 is a bill that would expand the coverage that is involved in the Criminal Code. Currently, there are certain sexual perverts who apparently are not being prosecuted, even though they are in the position of -- of knocking an individual to the ground and then ejaculating on them. We -- we have made this type of conduct, under this bill, criminal. I know of no opposition, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1785 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1785, having received the required constitutional majority, is declared passed. House Bill 1841. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1841.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. The morning greetings should be over with now, and complete. The morning greetings should be over with and complete.

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It is now time to get down to business and give your attention to the Members presenting their bills. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill, on 2nd Reading yesterday afternoon, received quite an extensive debate and it is the electronic voting bill for county election authorities. I know, since we adjourned yesterday, the representatives of a number of these manufacturers and some of the county election authority officials have come to see a number of you, privately in their offices. I know they met with Senator Klemm and perhaps took care of many of his concerns about absentee ballots. I know Senator Dave Syverson, from Rockford, had many concerns, especially if something happened during the course of an election day. But I believe the individuals have answered many of the questions. We debated this extensively on 2nd Reading yesterday, but, again, this would allow Direct Recording Electronic Voting Systems on election day after January 1st, 2001,

after the approval by the State Board of Elections, in county election authorities in counties under three million. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill -- Senator Jones, I beg your pardon. I did not see your light. Senator Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. Sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Jones.

SENATOR E. JONES:

Senator Dillard, I -- I recognize you only have a select area, as such, and then certain areas were excluded. Many of the areas -- like, East St. Louis is excluded, many of the communities. Can

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you tell us why these areas were excluded?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Sure, Senator Jones. The County of Cook and the City of

Chicago has their own bill somewhere out here on the Calendar to go to this type of system themselves. But we know that this is somewhat, although tried and true in forty-five states, still an experimental type of activity for voting in Illinois. And I think, at least in the Local Government Committee, which handles many election bills, we believe we wanted a trial basis someplace other than our -- our -- our -- our most populous counties, and we also exclude, Senator Jones, municipal election authorities, which is Aurora, Bloomington, Danville, East St. Louis, Galesburg, Peoria and Rockford. So we take county election authorities in counties under three million. But the City of Chicago and the County of Cook, which I believe actually - they do not have a position on my bill - have their own type of bill running around through this Legislature.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

I wasn't speaking about the City of Chicago and the County of Cook. I -- I thought, perhaps, like East St. Louis, for example, and many of those areas. Danville and Galesburg. And my -- my concern is, why were they excluded out of the bill? I noticed that -- the reason why I raise this concern on this bill is simply because many legislative districts overlap counties, and there may be some election challenges. There is no paper trail with electronic voting and that is a concern that I have. And we all should be concerned about this, wherein when you overlap legislative districts, and I know some of the areas that vote

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strongly, strongly Democrat, they were excluded downstate. And not to make this a partisan issue, but it seemed to me that they were deliberately excluded from the bill. I don't know the -- how come East St. Louis is not in here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. I do want to correct Senator Jones, and I don't know whether the Leader was on the Floor yesterday during the discussion on 2nd Reading. With electronic voting, there is an internal paper audit trail, should there be a recount or some type of election challenge. But when you look at this bill, we only deal with county election authorities, and we exclude municipal election authorities. And, Senator Jones, I think that Bloomington, Danville, Galesburg, and perhaps Rockford are political entities that tend to lean to my political party, the Republican Party. So I think it's -- it's pretty bipartisan when you look at Bloomington, which is obviously a very Republican area. Ask Senator John Maitland. So I don't think that this is partisan whatsoever.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

Well, in looking at -- at the legislation, I know it's experimental and it's a pilot program, but I think we still should proceed with caution. Having been involved in and having attempted to, on this side of the aisle, deal with many of the jurisdictions as it relate to a challenge on elections, and being -- I mean, being thwarted by those jurisdictions, and when you -- and when you include electronic voting, it makes it even more difficult. I think these things should be spelled out well in advance before we, in turn, jump into something and find out later that we have a

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serious, serious problem. So I respect the new technology that we have here, but I don't think we should rush into doing something that in -- that, in turn, may bite us in the future. So I don't intend to vote for it at this particular time, because there are serious problems that we can have with this issue down the road.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- further discussion? Senator Larry Walsh.

SENATOR L. WALSH:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Walsh.

SENATOR L. WALSH:

Senator Dillard, just for clarification, if you would. As Senator Jones stated, this is experimental. This is a test run. This is legislation that is authorizing this new technique of voting to be used on a -- on a test basis. Could you explain to us -- or, would it take legislation -- once this has been certified by the State Board of Elections, will it take legislation to enact statewide?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President. This bill requires certification by the State Board of Elections. So the State Board of Elections could have a meeting and decertify this particular process, if they wished.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Larry Walsh.

SENATOR L. WALSH:

Well, I guess, my -- my real question is, Senator Dillard, is that if they certify this, if the State Board certifies this, and the -- the areas that were just discussed, is it your

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understanding that legislation -- additional legislation would have to be enacted to include those municipal areas, municipal districts, after this has been certified?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator Walsh, on page 64 and 65, it says that the State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the sale -- or, system fails to fulfill our requirements. So I don't believe it will take a bill to undo it. The State Board of Elections will have the power immediately to undo this if there are any problems. And I -- again, this is the process in forty-five other states of the Union, and I don't foresee any problems.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR L. WALSH:

Thank you, Senator. But I guess, really, what I'm asking is -- is -- is, in committee yesterday, I guess it was my understanding that in order to include the areas that Senator Jones was just talking about, in order to include those in participating in this kind of voting, that it would take legislation, in the future, after the certification has been done, to include them.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Put that way, Senator Walsh, that is correct. To add the municipal election authorities and counties over three million and the City of Chicago, that would take a new bill. But your previous question was it -- for the counties under three million, if something goes wrong - and I don't, again, foresee any problems

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- would it take legislation to undo my bill, and the answer is no, the State Board of Elections could do that themselves.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Myers.

SENATOR MYERS:

Thank you, Mr. President. Can -- a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Myers.

SENATOR MYERS:

Is this not a long process that's been followed in the State of Illinois? In my previous life, I was a county recorder and went to a lot of meetings and saw a lot of election systems through the years, both at national meetings and on the State level. And in many states, they have already adopted similar

kinds of voting opportunities for the citizens. Basically, is it not true that all this does is allow the State Board of Elections - they are the people that we've put in place, who are the experts when it comes to deciding whether systems should be allowed in the State of Illinois - does this not just allow them to review some systems that are used in many states, and making sure that they are viable systems before we allow that to happen in the State of Illinois?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Yes, Senator Myers, it does. And I want to tell my friend, Senator Jones, our Democratic Leader, that we, in this Body, in the State Senate, have been studying this particular idea for three years. So there's no rush to judgment here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Ronen.

SENATOR RONEN:

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Yeah. Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Ronen.

SENATOR RONEN:

I -- I think this is a -- generally a good bill, that we're exploring new technology, but I'm concerned, Senator, about the provisions related to absentee ballots. And I just wanted to ask you a few questions. Now, the electronic voting portion of this bill is related to -- does not apply to Cook County and Chicago and various other jurisdictions. Is the -- the absentee ballot provision, as I understand it, is statewide. Is that true?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

So we're -- we are now changing the way that we're -- that -- allowing people to revoke an absentee ballot that might have been mailed in or submitted. We're -- we are making a change there. So, that -- that's my concern, and I think we all should be aware of the fact that while electronic voting and testing it in certain jurisdictions is a good idea, I think we have to be careful that we are making a significant change to the way absentee ballots have been -- the procedures by which they have been submitted. And I think -- is there a commitment on your part to -- to work on a further compromise? I'm -- I assume this bill will pass, but will you still be working on ways to try to tighten that up? Over the past years, it seems that we have spent a -- a lot of time

trying to make sure that there is no -- that nothing improper is happening, and I'm just concerned that we might be weakening some

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of those provisions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you. In answer to her question, yes, I will continue to work on this. And in a moment, I see my colleague, Senator Klemm, over here, who has spent a lot of time on the absentee ballot issue, is going to speak on this bill. But the changes that are here are statewide, but what we are doing is going back to the law of Illinois as it was for many years, up until two years ago, with respect to absentee ballots. And we heard in committee from these county election authorities that in their belief - and they have checked with the County of Cook and the City of Chicago - the changes we made two years ago, the situation where somebody shows up at a polling place and says that I want to change my absentee ballot, they have no awareness of that situation ever happening. So we're really just changing absentee balloting to a system that was in place up until two years ago in the State of Illinois and

it worked well.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

Yeah. Thank you for that, Senator Dillard. But I -- I would say that many believe that the change -- changes that were made were building in further protections, and I would hope that as this new system is implemented, that we look very closely at that. And I -- I would assume, with strong support from Senator Klemm, that we can monitor this closely and make changes if necessary. I have just one other question. You mentioned a Chicago Board of Elections bill. Are you supportive of -- of that bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

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SENATOR DILLARD:

Yes, I am.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

Thank you very much. I thank you for your comments.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Klemm.

SENATOR KLEMM:

Well, just to follow up on the absentee ballot question. As you know, I raised the issue yesterday, but having meetings last night and this morning, it appears as if the State Board and the -- all parties feel that a simple affidavit, which we're able to perform under rules by the State Board, would answer the question of somebody vacating their absentee ballot that they had cast earlier, because they go to the polls in person to change that. They would simply fill that out saying, "I void that." The nice thing about it is that would go, then, to the central headquarters or where they're counting at, where you have both party representatives, Republicans, Democrats. They have their representatives there. They can monitor to see that everything is done correctly. It answers my concerns. I think it certainly answers yours, and it can be done by the State Board of Elections rules, because we don't need to codify it. It's a simple answer, not expensive and I do support it, and it answers my concerns. So I do support the bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. It's our last day and I just would urge a favorable roll call so we can keep moving here. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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The question is, shall House Bill 1841 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 45 Ayes, 11 Nays, no Members voting Present. House Bill 1841, having received the required constitutional majority, is declared passed. House Bill 2109. Senator Watson. Senator Watson on the Floor? ...you. House Bill 2110. Senator Dillard. All right. House Bill 2261. Senator Klemm. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2261.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Well, thank you, Mr. President. House Bill 2261 amends the Upper Illinois River Valley Development Authority Act by adding two members to the Board, which would include Kane and McHenry counties to the geographical makeup of that area. It also increases the aggregate of bonds and notes and other evidence of indebtedness from a hundred million to two hundred and fifty million dollars. In order to answer some of the concerns about

these bonds, it removes the tax exemption of these bonds, which was requested by DCCA, the Governor, and everybody agrees to that. This expands the territory, but it also increases the ineffectiveness of job creation. There's, I think, a project down in Ottawa that may create, like, a thousand new jobs and this is really important for those areas. So there's no opposition to the bill. Kane and McHenry County wants to be part of it. All the others want to be included and -- and support the program. There's no opposition. I do ask for your support. It's a very

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good program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2261 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 2261, having received the required constitutional majority, is declared passed. House Bill 2346. Senator Myers. House Bill 2855. Senator Donahue. House Bill 2980. Senator Cronin. Senator Cronin on the Floor?

Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2980.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 2980 has two elements to it, essentially. Number one element attempts to rewrite the Medical Care Savings Account Act by creating the new Medical Care Savings Account Act of 2000. Purpose of the Act is to authorize the accounts in Illinois and provide State income tax exemptions for contributions made to the accounts. The second component of the bill involves employer standing before the Industrial Commission. In the event that there's a claim filed with the Industrial Commission and that claim is prosecuted by law enforcement and there's determined to be fraud and there's a conviction for fraud, the employer may go to the Industrial Commission to ask the case be dismissed so that that case is not counted in the calculation of the employer's

insurance rates. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Halvorson.

SENATOR HALVORSON:

Thank you, Mr. President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR HALVORSON:

Senator Cronin, has there been any work done on figuring out if this violates the single subject issue? Because I know in Amendment No. 4, it relates to an Act in relation to medical care savings -- accounts. Then in Amendment No. 5, it's an Act in relation to employment. So have we gotten anywhere with regards to the fact that they're both germane?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you -- thank you, Senator Halvorson, for the question. It's a legitimate concern and the response I offer is as follows: Both of these items deal with the subject matter of employee -- employee benefits. The subjects involves are -- involved are tied together not only under the broad heading of employment benefit, but also you should know, and Members of the Body should know, that the underlying bill was amended -- amended the Employment Code, 820 ILCS et al. Amendment No. 5 most definitely amends the same Code. Additionally, the new Act created - the Medical Care Savings Account Act of 2000 - is simply a rewrite of an Act that

had previously existed in the Employment Code that was allowed to sunset by mistake. Additionally, all the issues contained in the bill, as amended, deal with -- with, as I said earlier, employer/employee benefits in some way, shape or form. So, that's the -- the response I offer to your question.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

Thank you, Senator. Just one other question, or a couple possibly. Can you explain why the original language of the lump sum payments was taken out of this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

My understanding is, is that language is coming back over here in another piece of legislation. Combined with the fact that it -- when you read the bill, it was -- it appeared to me and to my colleagues and to our legal staff to raise a lot of red flags because of its retroactive effect, and we thought that that was inappropriate.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Halvorson.

SENATOR HALVORSON:

Okay. The bill that you're speaking of is Senate Bill 1658. I know that bill has the lump sum -- stuff in it. Are you willing to support that? I think our worry is that it's not going to happen, or it's not coming back to...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I don't know if the motion's been filed. I haven't seen the bill. There's some language in the original provision that I saw that I found troubling, my colleagues found troubling, staff found troubling. You know, I don't have any purpose other than the retroactive effect caused a lot of concern. And I'd certainly be willing to talk about it.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Halvorson.

SENATOR HALVORSON:

Senator Cronin, I -- I have an -- some information here that

Senate Amendment No. 1 actually took all the retroactive language out. So Senate Amendment No. 1 to House Bill 2980 actually took the retroactive information out.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there further discussion? Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much. This is a bill that enjoys a lot of support in the employer community. There was no opposition by other groups. I know there's some concern about procedural aspects of the bill. I think we've addressed that. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2980 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 2980, having received the required constitutional majority, is declared passed. House Bill 2991. Senator Dillard. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 2991.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. This bill here is still, I believe, somewhat of a -- a

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work in progress. It really comes as an initiative of the Illinois Florists Association, and it has been passed in a -- in a number of other states. There have been news exposes on the type of activity we're trying to address here, although this bill would apply to any business. It prohibits the advertising and listing of an assumed or fictitious business name in a telephone directory if it is placed to mislead the public as to where this business is located. In the case of florists throughout Illinois, there are numerous telephone listings that clearly mislead the public as to where some of these local telephone numbers - this is not an eight hundred number; that is excluded from the legislation - where these numbers are located. And for example, it will say the Bolingbrook Florist, and you will call this number and the number will be transferred to New Jersey or some out-of-state place where they tack on a surcharge. The State of Illinois loses the sales tax revenue and, in many instances, there is real confusion among local consumers, when there's a problem, where to call to make sure that their flowers arrived at their uncle's funeral or their mother's wake or whatever they needed the flowers for. I would be happy to answer any questions. It's a rather simple bill. And

again, it just makes it clear that if you are trying to -- intend to mislead somebody as to where your business is located in a telephone directory, it would be a petty offense.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2991 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 2991, having received the required constitutional majority, is declared passed. House Bill 3082. Senator Bomke. Read the bill, Mr. Secretary.

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SECRETARY HARRY:

House Bill 3082.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President and Ladies and Gentlemen of the

Senate. This bill comes to me by the way of the Illinois Fertilizer and Chemical Association. House Bill 3082 amends the Criminal Code in relation to the offense of anhydrous ammonia. Provides it is also a violation to transport anhydrous ammonia in a portable container if the container is not a package authorized for anhydrous ammonia transport and -- as defined in the rules adopted under the Illinois Hazardous Material Transportation Act. Be happy to address any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 3082 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 3082, having received the required constitutional majority, is declared passed. Top of page 8. House Bill 3093. Senator Robert Madigan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3093.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

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SENATOR R. MADIGAN:

Thank you, Mr. President, Members of the Senate. House Bill 3093, as amended, creates the Trees Forever Illinois Buffer Initiative, prohibits clear cutting within fifteen yards of the stream banks of navigable streams, makes exceptions where required, exempts local governmental units above five hundred thousand population, and creates a property tax incentive for those individuals who follow the rules of the program.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Donahue.

SENATOR DONAHUE:

Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Donahue.

SENATOR DONAHUE:

Senator Madigan, in committee -- there -- there are two points I'd like to ask. One, do we have a definitive point of which the fifteen yards is -- is from? You know, we weren't sure if it was -- if the rivers were down, is it going to be from where the waters edge, or is it from the bank? Have we made a specific definition or distinction on that?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR R. MADIGAN:

The -- the bill states fifteen yards from the waters.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Donahue.

SENATOR DONAHUE:

Okay. And then with -- in regard to drainage districts and -- they have been totally excluded from this proposal.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

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SENATOR R. MADIGAN:

Thank you, Mr. President. Senator Donahue, there's an exception for maintenance and improvement of drainage of or on agricultural land.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? If not, the question is, shall House Bill -- Senator Madigan, do you wish to close, sir?

SENATOR R. MADIGAN:

Well, I would just point out to the Members of the Senate that this is a good environmental bill and for the -- and there's proper consideration for the property owners contained in this legislation, as amended. And I would ask favorable consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 3093 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 56 Ayes, 1 Nay, no Members voting Present. House Bill 3093, having received the required constitutional majority, is declared passed. House Bill 3114. Out of the record. House Bill 3225. All right. House Bill 3271. Senator Radogno. All right. House Bill 3455. Senator Sullivan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3455.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3455 amends the Environmental Health Practitioner Licensing Act, and it simply exempts persons over the age of

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seventy from continuing education requirements and it removes term limits on the Board. There's no known opposition. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 3455 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 3455, having received the required constitutional majority, is declared passed. House Bill 3457. Senator Sullivan. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3457.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3457 amends the Environmental Protection Act and it changes the definition of "clean construction or demolition debris" to provide that material from certain construction or demolition sites is not waste. There was some conflict between the EPA and Will County. All that has been worked out. I ask for an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not -- Senator Welch.

SENATOR WELCH:

I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator, my computer isn't generating the bill, so could you answer a question for me? Is this the bill that allows for waste -- construction waste to be piled twenty feet high?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

It's clean construction waste and it can be piled up to twenty feet high, but the amendment that -- that EPA and Will County worked out states that it has to be -- fall in -- into area topography. So it's not going to be some huge mounds. It will fall into the area topography.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Does the pile of debris have to be in the same county where

the construction occurs, or can it be moved to another county and that become a site for construction debris dumping?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Sullivan.

SENATOR SULLIVAN:

Not -- not just in the same county, it has to be on the same site where the demolition took place.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? If not, the question is, shall House Bill 3457 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 3457, having received the required constitutional majority, is declared passed.

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House Bill 3465. Senator Dudycz. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz.

SENATOR DUDYCZ:

Thank you -- thank you, Mr. President. House Bill 3465 amends the Criminal Code in relation to the offense of unauthorized videotaping. It includes in the offense of unlawful videotaping, the videotaping, photographing, or filming of another person without that person's consent in a locker room, changing room, or hotel bedroom. It requires that the videotaping, photographing, or filming must be known -- must be done knowingly and secretly in order for the defendant to be liable. And it also provides that it is unlawful to knowingly videotape, photograph, or film another person in the other person's residence without that person's consent. So I know of no opposition and I would seek your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 3465 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 3465, having received the required constitutional majority, is declared passed. House Bill 3476. Senator Noland. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3476.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Noland.

SENATOR NOLAND:

Thank you, Mr. President. House Bill 3476 allows funds from the Grade Crossing Protection Fund to be used for the construction of pedestrian walkways. An earlier amendment would not allow the ICC to order more than two million dollars annually from the Fund to go towards pedestrian walkways.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3476 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3476, having received the required constitutional majority, is hereby declared passed. House Bill 3588. Senator Karpiel. ...the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 3588.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. House Bill 3588 simply expedites -- or, states that the assisted living health -- assisted living facilities do not need to go to the Health Facilities Planning Board. This was a -- just sort of a glitch in the statute, and we corrected it in -- because of the bill that was passed last year, which stated that they do not have to have any Board approval.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Is there any discussion? If not, the question is, shall House Bill 3588 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. And House Bill 3588, having received the required constitutional majority, is hereby declared passed. House Bill 3621. Senator Maitland. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3621.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3621, as amended, amends the Attorneys Lien Act to provide that the Act does not apply to any claim, demand, cause of action, or action that results in a tobacco settlement agreement. You may recall, we passed this -- this same bill out of this Chamber some weeks ago in Senate Bill 1885. There have been liens put on the money by the outside attorneys. We believe the amount is excessive that they're asking for. I believe this sends a signal to everyone that we feel strongly about this money being used for health-related purposes and that the attorneys should receive their fair share, but not that over and above what is fair and just. And I would seek your support.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Molaro.

SENATOR MOLARO:

Well, just -- thank you, Mr. President, Members of the Assembly. Just once again, I -- I -- I must point this out just

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so we're not asleep at the switches here. There's absolutely no question that everybody in this Chamber and everybody in the State of Illinois realizes that, the deal that was entered into, nobody knew what the desired result was going to be, not the Attorney General. So I'm certainly not standing here saying the Attorney General made a mistake. If -- anyone here was the Attorney General, we might have entered into the same contract because the likelihood of success was not very likely. Now, however, it did so happen that, in fact, because of whistle-blowers and a few other things, it came up to a large settlement. There's no question, the -- the lawyers shouldn't get what the contract states. However, in the law, we have things called unjust enrichment, quantum meruit, whereby when you go to court, just like you would if you represented some -- you know, some young person, and the lawyer got too much of a hefty fee, the court could look at it and the court says, "No way, you're getting too much." Now, the Constitution of the United States, as pointed out in committee by our constitutional expert, Senator Petka, in committee, there is a -- in the United States Constitution, it says that no state shall -- shall involve themselves or -- or pass any laws that -- that, you know, just goes to contractual relationships. I don't want to read it here, but it's here. And we all know that. So this is a way for us to send a public policy statement. Now, I agree that sometimes we have to do that, but this seems to be a clear violation of case law and a clear violation of the Constitution. And even though this is important

public policy, I think we went a little too far here, because I certainly don't want it to be that every time we think that the Attorney General or someone else has entered into a contract willingly and openly and we don't like that result, we're going to come to this Body and try to pass legislation - this is actually legislation, not a resolution - and try to pass legislation that

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actually would come in and -- and get rid of the contract, and I think we're on very dangerous ground. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Obama.

SENATOR OBAMA:

Senator, I was off the Floor, unfortunately, so I hope I'm not going over ground that we went over last time. Has this -- is this bill any different from the version that we had extensive discussion on? I -- I -- I think it was about a month ago.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator Obama, this is exactly the same amendment that we -- we had and that was contained in House Bill -- I'm sorry, Senate Bill 1885 that passed out of this Chamber on the 25th of this year {sic} (February).

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Just -- just for purposes of my edification, is there a reason why we're passing it again?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

For -- for some reason, Senator Obama, that -- that bill, when it passed over to the other Chamber, got lost in the House Rules Committee. I don't know why that happened, but it hasn't -- it hasn't made its way to the Floor yet.

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Obama.

SENATOR OBAMA:

Well, I'll -- I'll be very brief. You know, I believe the first time we had this discussion I expressed -- I expressed concerns that were similar to Senator Molaro's. I -- and I think Senator Molaro is correct. The first time we voted on this, we were sending a political message. That message has been sent. Obviously, there -- the House has some substantive concerns on it. I share those concerns. I think that it is bad public policy where we start messing around with people's contracts. And I indicated during that time that I thought we probably didn't do a very good job negotiating our deal with the trial lawyers in the case. And I -- I think that's unfortunate and I think it's appropriate to negotiate with those trial lawyers, but I do think it's a problem for us, as a Body, to start trying to open up contracts that have already been established between the State and private parties. I'd urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Cullerton.

SENATOR CULLERTON:

Senator Maitland, are you familiar with the contract that the Attorney General signed with the law firm? Could you tell me, by the way, what was the name of the law firm? And did the contract or did the settlement contemplate a -- a certain percentage fee if the case was successful, and did it not also allow for a arbiter

to have the ability to reduce the fee if he or she felt it was necessary?

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PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Senator, the -- the name of the outside -- let me start -- let me start, first, that -- that the Attorney General, as you well know, entered into an agreement with this outside law firm prior to any -- any thought that there was going to be a settlement and an agreement reached in Washington. The history had shown that there had been no -- no success in -- in negotiating with the tobacco companies. So the -- the Attorney General did enter into an agreement with the -- with the firm of -- of Hagens and Berman, Mitchell, Barrett Law Offices, and I think Mr. Foreman was a principal in that. It was for a ten-percent contingency. It was no question about that at all. But at that time, no one knew what the size of this settlement was going to be, nor did they know that there would be a legal defense fund created outside of the master settlement to pay, in all the states, the legal fees - and that was a negotiated fee - of which these attorneys now have

gotten already a hundred and twenty-one million dollars.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Okay. First of all, I'd like to know if there was a law firm in Illinois that signed this contract with the Attorney General. And then, secondly, what I'm trying to get to is that some of my colleagues are raising the question as to whether or not there was a contract that we, by -- by statute, are trying to overturn. It -- what I'm trying to get at is, was there not involved, either in the contract or in the settlement, a -- a contemplation that an arbiter would have the ability, legal ability, to reduce the settlement to the amount that they've reduced it to? So that's what I'm asking: The name of the law firm, if it's a Chicago or a

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Illinois law firm, and number two, is there -- do you know whether or not there -- there was anything in the -- in the contract itself or in the settlement that contemplated having an arbiter reduce the fee?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Yes. Not -- not in this contract, but -- but in the settlement there is, yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Could you please tell me the name of the law firm?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

I told you the name of the laws -- law firm, and I told you that it is a valid contract and there is no language in the contract that allows, as I understand it, from what -- what I have read and have been reliably informed by staff, that allows negotiated to be downward -- to allow it to be negotiated downward.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

From what I understand, there was a law firm that was hired by all of the Attorney Generals that -- it started the initial lawsuit. Okay? Then our Attorney General and other Attorney Generals hired local counsel. Okay? I think there's a law firm in Chicago. I'm not positive of the name. I just wondered if you happen to know what it is, and -- and how much money is it that they would be getting, and are they the ones that have been trying

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to -- to file this lien?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland. Senator Maitland.

SENATOR MAITLAND:

Senator Cullerton, we believe that, yes, there was a subcontracted firm in Illinois, as there have been in a lot of other states, to the -- to the -- to the major company.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Cullerton.

SENATOR CULLERTON:

Does the subcontractor law firm have a name? Are they the ones that filed the lien? Who's getting the money?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator -- Senator Maitland.

SENATOR MAITLAND:

I read the name of the firm to you, Senator Cullerton. You know the name of the firm.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

The name of the firm that you read, I think, was the national firm, the firm out of California or something like that. I just want to know who in Illinois filed this -- this -- this lien.

What's the law firm in Chicago or Illinois that filed this lien that's going to get the money?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

The law firm that I read to you is the one that filed the lien. I've got it right here, Senator Cullerton. If you don't have it, walk over here and get it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Any further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Clayborne.

SENATOR CLAYBORNE:

Senator, I -- I -- my understanding that this was a contingency contract. Am I correct?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

That is correct. Ten percent, Senator.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

And as I understand that, it's contingent upon recovery of monies in a settlement or in a lawsuit, and if you don't recover the monies in a lawsuit or settlement, you don't receive anything.

Am I -- isn't that how that reads, Senator?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

That is absolutely correct, Senator. Yes.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Clayborne.

SENATOR CLAYBORNE:

So my -- my problem is -- and I guess if there had not been recovery, because you talked about the fact that the -- the tobacco companies had never settled before and the fact that this law firm took a risk, used their expenses -- and I'm not defending them nor am I pushing on their behalf, but I think that once we enter to an agreement and there are risks on both sides, then we

must accept that risk. I can only say that, Senator, I would hope that if there had not been a settlement, that you would have been up at the same time today and about a month ago saying that we need to pay this law firm because they didn't get a settlement. So would -- would you be standing up now proposing that we pay them, if there had not been a settlement?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Maitland.

SENATOR MAITLAND:

Senator Clayborne, you know, I'm -- I'm not an attorney, but I know a contingency fee you either -- you -- you get a share of what you -- what you are able to negotiate and -- and -- and get for your client. And if you don't get anything, you don't get anything. Period.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

So -- so in other words, as I hear what you said, you said that you negotiate a fee for your client, and in this case, this firm negotiated a fee for the State of -- a settlement for the State of Illinois, and we're here saying that because -- and I'll -- and my other colleagues didn't say it. This wasn't the best deal to enter into. Maybe we should have capped -- maybe the Attorney General should have capped it, but he didn't. He knew -- and I remember him being in a committee when Senator Welch questioned him about hiring this firm, and what he said was this firm put up their expenses, they're putting up their time, not

knowing whether they will ever receive a settlement, whether they will ever receive a dime from this. So they took the risk. They put their law firm, their license, their malpractice insurance, they put their monies up front to defend the State of Illinois. And now we're here -- you're here saying that they should not get

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paid because it was a bad contract. Maybe we should have capped it, but we're beyond that now. And I guess the problem that I have, and you didn't really answer my question, was that if they had not recovered anything, you nor anyone in here probably would be standing up saying that we should reimburse them for their time, we should reimburse them for their expenses and the risk that they took. But, unfortunately, we don't see that as being fair, because you wouldn't have been standing up doing that. But in the Constitution -- and -- and obviously the Constitution is not something that we just have to literally throw away and ignore or use when we think that it's convenient, or -- or not use it when we think that it's convenient. And it states in Section 10 that no state shall enter into any law impairing the obligations of contracts. And -- and, my friend, not only is this not fair -- and obviously I don't think -- I mean, the -- the sum is huge, but

they took the risk. And based upon the Constitution and the fact that this contract was entered into by the Attorney General, I think that we should not be here today trying to -- to, I guess, eliminate these liens or impair this contract based upon what the Attorney General -- and you know the problem with contract law, my friend, Senator -- Senator Maitland, is that it's a arm's-length transaction. You get two -- you get two different sides that sit down, talk it out. They understand the risk, and they -- and they come to what is called a meeting of the minds. So the Attorney General and this law firm had to sit down and come together and have a meeting of the minds. So -- and you've said this is a valid contract. So the two minds have met, they've taken the risk, and I think it's only fair that we follow the Constitution and not get involved in this, and I also urge a No vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? Senator Hendon.

SENATOR HENDON:

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Thank you, Mr. President. First, let me say to you how much I appreciate you allowing Senator Clayborne to be heard thoroughly. And having said that, I just want to make an observation, that

Senator Cullerton's question was never answered. I don't know why. When you have the power, you can do whatever you want to. All week it seems to me that Democratic Senators have had their debate shortened. Ideas have been squashed. We don't even have to talk about the fact that no Democratic bills have even come out of committee. Senator Halvorson has tried all week to get a bill discharged from committee and has been rebuffed at cruelly, rudely, and I just appreciate the fact that at least you showed patience with Senator Clayborne at this point. But some of us Democrats on this side of aisle are growing a little tired of the heavy abuse of power by that side of the Chamber and different individuals on different days who've sat in that chair. So please take that into consideration going into this final week. I also urge a -- urge a No vote on this bill. It is unconstitutional and there are other problems with it. But I just had to say that, because some of us -- you can have power, you can use it, but don't abuse it.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Maitland, to close.

SENATOR MAITLAND:

Well, thank you very much, Mr. President. And -- and back to the bill: I do appreciate the comments from my distinguished friends on -- on the other side of the aisle, legal scholars all, and I understand that, but I want to remind you, all of you, and especially to my friend, Senator Clayborne, this -- this legislation is not about the contract at all. It's about a lien that's been placed by the outside firm on the cigarette money -- settlement money that the State has received. That's what it's all about. Do you know what the lien means? It means it

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encumbers the money that the State has already gotten. Do you understand? That's what it means. That means that nothing can happen as long as that lien is on the money. Statutorily, we created the language in the Attorneys Lien Act. So what we can do, we can undo. I don't -- I don't suggest to you that there are some, probably, legal questions about what we are doing here, or interpretation. But my heavens, folks, this is nine billion dollars coming into the State of Illinois that is generally considered to -- to be money for health-related concerns: smoking cessation, education, helping senior citizens who have been harmed all their life by cigarette smoke. And we could lose nine hundred million dollars of it. Doesn't this then force, at some point, at least a negotiation? I -- I would suggest to you that it did. Nobody is saying this wasn't a good contract, because it was. And it is a valid contract. And no one knew going in that there would be the money in the legal defense fund, or whatever we call that fund, that would pay these outside firms in the individual states. I think this sends a signal. I think this is for the people of the State of Illinois, not against them. And I think, once again, we ought to send that message to the House and vote for 3621.

Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3621 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 42 Ayes, 12 Nays, 2 voting Present. And House Bill 3621, having received the required constitutional majority, is hereby declared passed. Senator Dillard, what purpose do you rise?

SENATOR DILLARD:

Thank you, Mr. President. As long as we're on the subject of lawyers, yesterday, inadvertently - and I've had this note next to

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my -- my desk for several days - I voted Yes on a bill that passed unanimously, House Bill 4431, and there's one little provision in that omnibus bill that deals with a client of my law firm. And I want to declare that I have a conflict of interest and really wanted to vote Present on House Bill 4431. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Rauschenberger, what purpose do you rise?

SENATOR RAUSCHENBERGER:

For purposes of an announcement to the Body. As we move along the Calendar and head toward Bill -- House Bill 4030, I thought I would announce to the Body that the Senate President has agreed to extend the deadline on House Bill 4030. It is being discussed by the four caucus Leaders, as well as the Governor, and hopefully will be a subject of discussion among the budgeteers as we wind up the education budget, but I know a lot of people are getting inquiries and many people are interested in the passage of 4030. It's very much alive in the process, depending upon the final dimensions of the budget agreement. Thank you.

PRESIDING OFFICER: (SENATOR DUDYCZ)

House Bill 3640. Senator Dillard. House Bill 3699. Senator Dillard. The bottom of page 8, the Order of House Bills 3rd Reading, is House Bill 3756. Senator O'Malley. Mr. Secretary, read the bill, please.

SECRETARY HARRY:

House Bill 3756.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 3756 has to do with the Chicago Teachers' Article of

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the Pension Code. It -- it increases the annual limit on the amount of reimbursement to annuitants of health care insurance costs from twenty-five million dollars to forty million dollars. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? If not, the question is, shall House Bill 3756 pass. All those in favor will vote Aye. Opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, no Nays, none voting Present. And House Bill 3756, having received the required constitutional majority, is hereby declared passed. Top of page 9, in the Order of House Bills 3rd Reading, is House Bill 3771. Senator Philip. House Bill 3852. Senator Watson. House Bill 3861. Senator Robert Madigan. House Bill 3872. Senator Radogno. House Bill 3873. Senator Watson. House Bill 3875. Senator Philip. House Bill 3876. Senator O'Malley. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill...

PRESIDING OFFICER: (SENATOR DUDYCZ)

No. Out of the record. House Bill 3926 {sic}. Senator Radogno. House Bill 3928. Senator Radogno. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 3928.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill creates the Manufactured

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Home Quality Assurance Act. It's administered by the Department of Public Health. It requires that -- that manufactured homes, as well as installers, be licensed by the Department of Public Health. It details the license requirements. It also provides that the Department must serve as a liaison between the various parties who might be involved in a dispute with respect to these issues, and it requires they investigate the dispute and recommend -- and recommend nonbinding resolutions. It also creates the Manufactured Housing Quality Assurance Board and details the membership of that Board.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Welch.

SENATOR WELCH:

Senator, why is Chicago exempt from this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

It was at their request. And their concern is that with the CHA making various changes and getting rid of existing public housing, that it is possible that manufactured housing may become an option and they would like the ability to license. And frankly, I felt that Chicago, given their size and ability to hire experts, is really in a position to be able to do a good job with that.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Hendon.

SENATOR HENDON:

Senator, the -- as I recall in committee, the Municipal League is against this bill because of concerns about not being able to make inspections to make sure that these houses are safe. Is that still a concern of the Illinois Municipal League?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No. They -- they actually were concerned. They wanted to be certain that this referenced only the licensure, as opposed to impacting zoning in any way. Their amendment, frankly, just came too late to get into the process. So it does not impact zoning, and we will be happy to go ahead and clean that up, to address their concern, at a future date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

Within their amendment, were there concerns about inspections and safety?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

No -- no, I don't -- not to my knowledge. They didn't...

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Hendon.

SENATOR HENDON:

I -- I've been told, and I did speak with someone from the

League, and I believe they are concerned about the ability and the opportunities to inspect these houses to make sure that they're safe and up to code. And that is why -- one of the reasons why

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they are -- are in opposition. So I'd like for the Members to just be aware of that and to vote accordingly. But they are concerned and are opposed.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Sullivan.

SENATOR SULLIVAN:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates she will yield. Senator Sullivan.

SENATOR SULLIVAN:

Thank you, Mr. President. Senator Radogno, this is obviously an issue that you've been dealing with and we've been dealing with in the Licensed Activities Committee for a long time. Have all of the tenants' and landlord -- landowners' concerns been addressed in this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Radogno.

SENATOR RADOGNO:

Thank you for that question. Before I answer, I just want to address Senator Hendon's question one more time. The Municipal League, again, did not file any slips in committee. Their concerns came very late, and -- and their concerns, while valid, it doesn't impact zoning or their ability to undertake any of their existing duties. And we will clarify that. And I have talked with representatives from the Municipal League and they're okay with that. With respect to Senator Sullivan's question as to how the tenants feel about this bill: That's correct; many of us have been contacted by tenants of manufactured housing communities. They have many concerns. This bill addresses those concerns relative to the actual installation of these homes. So to the extent it addresses that set of concerns, it addresses their issues. However, it does not address their issues with

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respect to the enforcement of the Landlord/Tenant Act. There's still a number of outstanding concerns about that, including park entrance fees, some of the services provided. However, they recognize that this does set up a mechanism within the Department of Public Health that begins to look at manufactured housing

issues and it -- I am hopeful that once this gets under way, we'll be able to come back and possibly address the other concerns at a future date.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any further discussion? If not, Senator Radogno, to close.

SENATOR RADOGNO:

Well, thank you, and I would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DUDYCZ)

The question is, shall House Bill 3928 pass. All those in favor will vote Aye. Opposed will vote Nay. And the voting is open. Have all voted who wished? Have all voted who wished? Have all voted who wished? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. And House Bill 3928, having received the required constitutional majority, is hereby declared passed. House Bill 3929. Senator Molaro. Madam Secretary, read the bill, please.

ACTING SECRETARY HAWKER:

House Bill 3929.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. This is a pretty straightforward bill. It has to do with the way restitution is paid. Basically, it's -- I like to call it "Victims First" law. Basically what it does is -- as you well know, over the years, we have enacted laws

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and they're in four or five different places in our Code. Sometimes in Criminal Code. Sometimes in Corrections. It all depends where. There's maybe about thirty, forty, fifty groups that get a piece of the pie whenever a defendant is fined or whenever there's court costs involved. However, as these monies come in, most of the time, unfortunately, if there's thousand-dollar fine and five-hundred-dollar court costs, they don't pay it all at once. Nobody usually gives the fifteen-hundred-dollar check. They pay it through the probation office and they bring in checks to clerk of the circuit court, maybe once a month, two hundred, three hundred. Now, the problem in the law is, when all these groups are going to get their money - there might be, like, fifty, sixty groups that get five dollars or ten dollars or eight dollars - there's no mechanism in the law that says who gets paid when the defendant pays on time, in what order does someone get paid. So each court clerk, a hundred and two court clerks -- circuit court clerks, do it any way they want. Hence, you have all these groups going to these circuit court clerks with their hat in their hand saying, "As you get paid on time, please pay us first." Well, what was happening, and why the probation officers and their group brought this legislation, was

that in the rare case, maybe one out of a hundred times, most cases in Illinois - drugs cases, DUIs, all kinds of crimes - there is no specific victim. But one out of maybe a hundred or two hundred, there is a specific victim, such as auto theft, where if they steal one of our cars, we get called down there 'cause you have to testify, as President knows, that we did not give the defendant permission. When we get our car back, there may be eight hundred dollars in damage. So what they wind up doing - the judge - in those rare cases, is they'll fine 'em five hundred and also order restitution of eight hundred: thirteen hundred dollars. Course, he doesn't have it. He pays it through

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probation. Well, the problem is, again, here's a check to the clerk of the circuit court. Here's two hundred. In the law, he would have to stand in line -- the victim of the crime, who's out the eight hundred dollars, has to stand in line and fight for it like the other seven hundred groups who are getting their five or ten dollars. The clerks of the circuit court tend to pay these victims last. And all this legislation does is say, when there is a specific victim to a specific crime and there's a specific order of restitution and the defendant specifically puts it in, that

that victim would get the money first. And then everybody else would get theirs. There is so little impact to all these other victim groups because, remember, we're only talking about two or three percent of the time when there is a restitution order. Ninety-five to ninety-seven percent of the time, there isn't a restitution order. So the impact to all these groups is very, very minimal. And I think that it just makes sense that if there's a specific victim to a specific crime and the defendant comes up with the money, the -- that victim should get paid first.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Any discussion? Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Sponsor indicates he will yield. Senator Donahue.

SENATOR DONAHUE:

How does the Attorney General's fund that funds most of the sexual violence centers and -- and groups like this that get their funding from this, how is this affected by this bill?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

Well, as I said, that group, as well as about maybe forty --

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forty others, that group is not affected. Let me state this again. When someone has a thousand-dollar fine and five-hundred-dollar restitution and the person pays their fifteen hundred dollars, all groups get all their money. All this bill does that -- say, when they pay it on time, the victim of the crime gets paid first. That's all it says. Nobody's going to be out any money. It's just a question of who gets it first. When the probation office -- because what happens is, when the defendant pays his money, the victim of the crime calls probation and says, "Hey, I heard he paid eight hundred," and the probation officer says, "Well, you better go to the court clerks and figure out from there because they're paying other people first before you get it." That's number one. And number two, I want to point out - and I'll say this for the second time - this is only in the rare occasion when restitution is ordered. When those groups that you just mentioned and everybody else was in committee, I said, "You show me where you're going to be impacted. Give me a dollar amount. Give me a percentage. Anything that shows that you will lose more than very, very minimal dollars, and I won't call the bill." I've given them two or three weeks to do this, and they've given us nothing. And that's because it's minimal, minimal impact to those groups.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Well, to be honest, I heard you the first time. And I -- I

have great deal of concern about this, and -- I mean, we want restitution. I have no problem with that, but I -- I am really concerned. Is there going to be any delay in the funding, you know, in the collection, like will it be that this group may get their money two years from now, as opposed to next year?

PRESIDING OFFICER: (SENATOR DUDYCZ)

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Senator Molaro.

SENATOR MOLARO:

No.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

So what you're saying is that our sexual violence centers and all those groups that you say are funded through the Attorney General's Victims Assistance Fund will not be impacted. And that's your statement here in front of the Senate and everyone?

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Molaro.

SENATOR MOLARO:

No, I'll say it a third time. There will be very little,

minimal impact, and there will be a very little, slight delay. The question is: Do they get a slight delay or does the victim of the crime wait the -- get the delay? And I think that the delay should be to not -- should not be to the victim of the crime.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue.

SENATOR DONAHUE:

Well, I don't disagree that we want to get to the crime, but I'm telling you the restitution of the guy with the car and his automobile back versus having sexual assault centers lose money and not be able to service victims that don't necessarily have the restitution or have charges -- I mean, these services are provided to people that aren't necessarily in a criminal situation. So I have reservations about this, and probably intend to vote Present.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. And -- and I -- I -- I apologize,

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Bobby, and I know that you say you've repeated yourself about three times, but I received a call from one of my hospitals

yesterday and -- and they indicated that they receive money from fines that support the trauma center. And -- and they're talking about a -- about a half a million dollars, and I guess I'd like for you to repeat it again, for my sake, to make sure that -- that I'm on point, that they, being that particular hospital, will not lose any money as it relates to their trauma center.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro.

SENATOR MOLARO:

I'll -- I'll answer it again, but let me -- let me also be clear. If they get a half a million dollars -- remember, the victim crime assistance that Senator Donahue talked about and yourself, that only comes -- they only get money when there's an actual violent crime. So when I brought the property damage in a -- not property damage, but property to the stolen auto, those groups wouldn't be getting that money anyway. I just used that as an example. So I was wrong. The answer would be that if people pay their fines, there's no impact whatsoever. The only impact would be that there will be a slight delay and there'll only be a few dollars slight delay, very minimal, because the victim is going to get their money first. So if a defendant pays five months, two hundred dollars each, that if the victim's supposed to get five hundred, he'll get his five hundred first and the programs will have to wait. But, remember, each program is only getting, like, one percent or two percent of this money. And it's very, very rare when there's a restitution order. Ninety-eight percent of the orders that are given are strictly fines and costs, and they get those immediate. It's just when the rare occasion,

where there's actually a restitution order to a specific defendant, will there have to be a -- a slight delay. So,

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therefore, if -- it'll be very minimal impact.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? If not, Senator Molaro, to close.

SENATOR MOLARO:

Yeah. Just -- just brief close. I -- I just think it makes sense that if there is a specific victim of the crime and at that time the judge and the State's Attorney orders restitution to that victim, that that victim should get his money first, and as a -- as the defendant pays, he should be made whole and that's been a tenet of the law for many, many years. So I'd ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 3929 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 51 voting Yes, 1 voting No, 5 voting Present. House Bill 3929, having

received the required constitutional majority, is declared passed.
Senator Peterson, on House Bill 3939. Out of the record. House
Bill 4022. Senator Wendell Jones. Is there an amendment,
Senator, that you're going to want for that bill? Senator Jones.
SENATOR W. JONES:

There is an amendment going to Executive, but we're going to
pass it and then bring it back. No?

PRESIDING OFFICER: (SENATOR WATSON)

Okay. Out of the record. House Bill 4030, Senator
Rauschenberger, is out of the record. House Bill 4045. Senator
O'Malley. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4045.

(Secretary reads title of bill)

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3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
House Bill 4045 amends the Criminal Code to provide that it is a

Class 4 felony for a child sex offender to reside within five hundred feet of a school attended by persons under eighteen, a playground, or a facility providing programs or services exclusively directed towards persons with -- or, towards persons under age eighteen. There was a discussion in committee that resulted in an amendment that largely comes around and -- and may start the process of establishing some of the scheme that the State Police has talked about in the area of a graduated sex offender scheme. Essentially, what the amendment did is provide for classification of those offenses to which the five-hundred-foot restriction applies. This was discussed with the -- the House sponsor and the staff in the House, and our staff, and this is, as I understand, agreed legislation, or agreed -- yes, agreed legislation between the -- both Chambers and will be favorably received in the House.

PRESIDING OFFICER: (SENATOR WATSON)

Discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Certainly, I -- I support this type of legislation, but I just wanted to ask the sponsor a question.

PRESIDING OFFICER: (SENATOR WATSON)

I believe the sponsor will yield, Senator Shaw. Thank you.

SENATOR SHAW:

Is there any -- within five hundred feet of -- would you name those places where the -- the perpetrator cannot live?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Within five hundred feet of a school attended by persons under age eighteen, a playground, or a facility providing programs or services exclusively directed towards persons under eighteen.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Does -- does this -- does this bill apply to all of Illinois?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Yes, Senator Shaw.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Could you tell me, in Chicago -- and I -- and this is not a major concern for me, but where in Chicago could a sex offender live?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Well, within the scope of this legislation, they would have to reside at least five hundred feet beyond the areas described in the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

Well, that's what I was -- that's what I'm driving at, is -- is parks, schools, playgrounds, all of this. I'm not totally familiar with any place in Chicago that they could live. And I

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guess my concern is, we're not transporting 'em out of Chicago to the south suburbs, are we? Because we don't have as many parks and playgrounds out in the suburbs as we have in Chicago. What do we -- what do we propose to do with 'em once we say that they can't live in Chicago and they're released from the institution? That's my real concern. Are they to come to the suburb?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Shaw, as we discussed, based on your question, this is statewide. It applies in the suburbs, downstate. It applies in

Chicago. And what we have done is, with this legislation, and working with the House sponsor and -- and the staff over in the Judiciary Committee, identified the types of individuals to whom this law would apply and the crimes that they committed, and I'd be happy to recite to you what they are. But, basically, there's no desire on my part - and I'm sure on yours - to transport these people anywhere. Our goal is to make sure that these people who are guilty of things like luring children - and that's a crime - aiding and abetting child abduction, indecent solicitation of a child, solicitation for a juvenile prostitute, keeping a place of juvenile prostitution, patronizing a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, predatory criminal sexual assault of a child, and I could go on. I mean, the list goes on, but...

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR O'MALLEY:

...basically what we're saying is that these people will not be allowed to live near places where they might be tempted to harm any of our children, whether they be in Chicago, in the suburbs or downstate Illinois.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Shaw.

SENATOR SHAW:

I -- I -- I'm in total agreement with you on -- on your concept. The only thing I'm saying, I guess I'm trying to say, is that with the restraints on this legislation, in looking at the hideous crimes that these people has committed, when you -- five hundred feet, I just don't know anywhere in Chicago proper that they could live. So what I'm saying, I guess, it would drive 'em to the open-land area, so to speak, which is in the suburbs, to some extent. And I just think that -- and the only thing that I -- I think that we want to do here is to -- is to look at this over -- over the long haul and -- and maybe we need to come back and maybe do something with this sometime. Because we don't have all those parks and schools in the suburbs and I know you don't have 'em in your community. And they could -- this would enable those same people to live in our community, where that they could no longer live in Chicago. And I'm not trying to dump 'em on Chicago either, but at the same time, the landscape, in terms of where you've put the restrictions -- where this bill has put the restriction, we have more open space and our schools are farther apart, our parks are farther apart in the suburbs, and -- you just might want to look at it. Certainly, I plan to vote for this legislation, but I just think you need to look at this again and maybe address it in some other way.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor yields -- yes, he will.

SENATOR CLAYBORNE:

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And I want to start off saying, Senator O'Malley, I'm a former prosecutor. I've prosecuted felonies. I've -- I've done the whole bit. But, you know, this concerns me a little bit and -- from the point of view of -- of, I guess, the intent to commit a crime by where you live. I -- I guess that's -- that's what's kind of confusing me a little bit. But, let me -- let me ask you this question. If you move out into this open land, where Senator Shaw is talking about, and -- for instance, you move out to O'Fallon -- that's a growing area -- and you move in a new subdivision. You're there for ten years. They build a school next door, after ten years. What -- what happens at that point, Senator O'Malley?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Clayborne, I understand your question, and we're just

checking it to make sure that we have it -- as accurate an answer as we possibly can. But, while we're checking it, let me suggest to you that the public policy discussion around here is whether or not certain people who commit certain acts are going to be subject to restrictions even after they have served their time for the crime they have committed. And the public policy basis in support of this legislation basically is, in my opinion, and I think it's shared by most Members - in fact, I think it was shared by all Members of our committee and it was certainly accepted by and -- and promoted by the -- the House sponsor of the legislation and -- and was overwhelming supported there, even before it was amended in the Senate - to basically say we're not going to let these people who have committed these types of offenses live -- live near children, where they may be tempted to do it again.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator...

SENATOR O'MALLEY:

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In checking it, the legislation - we just wanted to make sure that our answer was as accurate as possible for you - they would have to -- under the factual circumstances you described, they

would have to move.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator -- Senator Clayborne.

SENATOR CLAYBORNE:

So, basically, even though they -- they've moved away once, and a school is built, now they have to move again. That's what you're saying.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley...

SENATOR CLAYBORNE:

They've been there ten years, haven't bothered anybody. They've been registered as sex offenders. And now that they decide to build a school in the growing area, you're -- you're telling me because they have no intent to commit a crime, but a school is built, now we're -- we're criminalizing them because the school has been built five -- five hundred feet from their home. That -- that's what you're saying, Senator O'Malley.

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

That is -- that is correct. And -- and -- and as I -- as I say that is correct, I would like to also state that this particular individual who commits the crimes that we have described and set forth specifically in the amendment that was adopted here in the house are the very individuals who have the highest case of -- statistics would demonstrate have the highest case of recidivism in -- of all criminals.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

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SENATOR CLAYBORNE:

What happens in this scenario, Senator O'Malley? They've been living somewhere twenty years, and all of a sudden they didn't know that their next-door neighbor was homeschooling. Can they be charged in that scenario, under a Class 4 felony?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, to the best of my knowledge, it would not provide to a home school situation?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Clayborne.

SENATOR CLAYBORNE:

Well, I'm -- I'm -- I'm sorry, Senator O'Malley, and -- and I don't mean it to -- to be offensive to you because I'm not protecting them. I -- I -- I just -- the problem I have is this is a law where they may not have any intent to commit a crime. And -- and for you to say to the best of your knowledge, I mean that's -- I have to have -- and you're a lawyer. There has to be some mens rea. There has to be some intent for me to commit this

crime, and for you to say "to the best of my knowledge" that it's not a crime, I mean, that's -- that's unacceptable. What happens in a situation, Senator O'Malley -- again there's open land and the neighborhood -- I mean, they know this -- this guy, he's registered - or whoever it is - registered as a sex offender and the neighbors decide to get together and build a park across the street. I guess, in that situation, again, this person has to move again or otherwise he'll be charged with a Class 4 felony?

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley.

SENATOR O'MALLEY:

That is correct, Senator.

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PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Mr. President, Members of the Senate. I apologize, Senator O'Malley. I was in the Rules Committee, which was just meeting, when this debate started. So if I've repeated anything, I apologize. And we're going to go back to the Rules Committee shortly, so I'd like to just have my say here. We -- these issues

that are being raised by some of the Senators were raised in committee. In an attempt to clean up the bill, I offered an amendment that would've said, okay, if you're -- if you're living and you have a lease, you don't have to break your lease to -- you can let -- you can stay there as long as your lease is -- is in existence. And secondly, if you actually own the house, we tried to have a -- a grandfather clause. I offered that amendment. It was killed in the Rules Committee. Senator Petka offered another amendment to this bill that came out of the Rules Committee. So we can't even -- the process doesn't even allow me to get a -- a debate in the Judiciary Committee, with seven Republicans and four Democrats, to even get a debate on whether or not we could amend -- amend this bill. So I object, perhaps, to the process, that we can't even have -- under those circumstances. Secondly, you know, there's no time limit on this thing. Somebody -- they're convicted. They're bad people; they're convicted. They repay their debt to society, and forty years later, they're -- they haven't done anything wrong, but they can't live within five hundred feet of a park or a school? In Chicago, in my district, we have Lake Point Tower. We have -- we have two, three thousand people. The John Hancock Building. Nobody could live anywhere there if they ever had this conviction. It's just not practical. If you put a time limit on, if you put ten years, or if you -- but we can't even offer an amendment. So, I'm not -- you know, it's

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tough to vote No on this bill 'cause of what somebody could say. I'm going to vote Present, because I really don't appreciate the process where I can't even try to amend the bill. It needs work. It's something that you should have considered, should have been a little more open-minded about it. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. I sponsored the amendment, the underlying amendment, which, in my opinion, certainly improved the bill. But I would like to just point out to those who have argued in connection with this legislation, that from -- from my vantage point, this is just a logical extension of what we have done over the past several years in putting up protected zones around schools and around parks. We had safe-to-learn programs which had, basically, five hundred -- provided for zones of safety within five hundred feet of schools and parks. We've had legislation making it a felony to carry a firearm within five hundred feet of a school, within five hundred feet of a public park. And Senator O'Malley correctly pointed out that the highest incident of recidivism that we have, unfortunately, found among those who are sentenced to Department of Corrections involve those who have predisposition to commit certain violent sexual crimes and crimes against children. It is

very unfortunate, but it is a documented fact, that the -- with the possible exception of those who commit crimes with firearms and armed robberies, that these individuals simply being placed back on the street cannot be trusted. We are making a policy decision here today. I want to compliment the sponsor for bringing this to our attention. The policy decision is simply this: That until such time as we are able to provide any individuals who are indeed involved in -- in sexual offenses against children and

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against women in an aggressive manner, that if we are going to err, we're going to err on the side of public safety. And for those reasons, I urge the passage of this bill.

PRESIDING OFFICER: (SENATOR WATSON)

Any other discussion? If not, Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Mr. President. Just to make sure that everybody understands that the provisions of this law...

PRESIDING OFFICER: (SENATOR WATSON)

Senator O'Malley, I beg your pardon. Senator Lightford had her light on, and I did not see it. I beg your pardon. Sorry, ma'am. Senator Lightford.

SENATOR LIGHTFORD:

Thank you, Mr. President. I -- I must stand up and speak personally because, prior to my coming to the Senate, I personally worked in the Department of Corrections. I was involved in implementing the Sex Offender Treatment Program. And I do want it to be known that there is a problem with placement of housing for sex offenders when they're released from incarceration. Many of them do not have housing. I personally referred many of them to the Pacific Garden Mission, and if you're aware of the area, it's just a temporary shelter. Many of them are also referred to the YMCA and many places that are, again, temporary. And what you have there is a system where you have many sex offenders roaming the streets because they do not have housing already. Now, what I'd like for you to see -- do to this -- and I'm not saying that I don't support the children. I've interviewed sex offenders several times. They have a problem. They will re-offend again if -- in the presence of children if they live around this. This is what they -- their minds thrive on. However, that amendment was very important because if that person has been incarcerated and their spouse is owning that home and they're not able to return to

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their spouse because of the area, then where do you anticipate them living? And then, again, they will be referred, time and time again, to overnight shelters, shelters that will not accommodate them from living off the streets. So what I would suggest, Senator O'Malley, is that by me being a member of the Department of Corrections, working directly with the sex offender unit, that you take a look at this amendment. It has nothing to do with being Democrat or Republican. It has nothing to do with being downstate, suburbs, or Chicago. This is a serious issue and I believe that amendment should have been addressed.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator O'Malley, to close. Thank you.

SENATOR O'MALLEY:

Again, thank you, Mr. President. Thank you all who decided to discuss this on the Floor of the Senate. This is an important piece of legislation, but let's make sure that everybody understands that when it came here from the House, there was a provision placed in the legislation in the form of an exemption for those offenders who own the property where they reside before the effective date of the Act. What we're saying with this legislation is that on a going-forward basis, provided this becomes law, that this is one more statement to these people who are predators on our children that -- get out of Illinois. Don't do it in Illinois. In any way, shape or form, what could be more important than protecting our children from these very people who many of us have recited right here on the Floor today, and -- and especially someone as -- as knowledgeable as you, Senator Lightford, that recidivism is a real problem with these people?

These are people who are, like, in a candy shop, and let's keep 'em out of the candy shop, 'cause the candy tends to be our children. Thank you. I would appreciate your support.

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PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 4045 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yes, no voting No, 5 voting Present. House Bill 4045, having received the required constitutional majority, is declared passed. House Bill 4116. Senator Cronin. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4116.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Cronin, before you begin. Senator Link, for what purpose do you rise, sir?

SENATOR LINK:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

State your point.

SENATOR LINK:

Today we have the honor of having Gary Cornielus here, who is a former resident of Senator Geo-Karis' area in Zion, Illinois, and went on to Iowa to become the -- to hold the honor of receiving a regional and national recognition for his work as an organic farmer and is also a presidential appointee on the State of Iowa Farm Service Agency in the U.S. Department of Agriculture and the National Board of the Black Farmer and Agricultural Association. I would hope that the Senate could recognize him and say -- give him our best luck and wishes.

PRESIDING OFFICER: (SENATOR WATSON)

Very good. Welcome to the Illinois Senate. Congratulations

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on your work. Glad to have you with us. Thank you very much.
House Bill 4116. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.
House Bill 4116 is an initiative of the Attorney General, Jim

Ryan. The bill seeks to amend the Sexually Violent Persons Commitment Act. It includes in the definition of a "sexually violent offense" the former crimes of rape, deviate sexual assault, indecent liberties with a child or aggravated indecent liberties with a child. These provisions were overlooked previously. It also provides that at the trial on the petition to have the person declared a sexually violent person, evidence is admissible of other crimes and punishments imposed. It also establishes procedures for revocation of conditional release. Provides numerous mandatory conditions of release. Ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 4116 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 4116, having received the required constitutional majority, is declared passed. House Bill 4124. Senator Luechtefeld. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4124.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. House Bill 4124, as amended, is an agreed-to bill by Corrections and by AFSCME, hopefully to make the institutions safer for the people who work there. It does basically three things: It -- it -- it gives two offenses involving gang activities and found guilty of assault against a Department employee to six weeks of -- of -- doing away with six weeks of contact -- or, six months of contact visits; also, nonemergency medical and -- and dental services at the correctional facility is required for a two dollar co-pay; and also creates a gang intelligence unit under the supervision of the Director. I would be glad to answer any questions and would ask for the support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there discussion? Senator Viverito.

SENATOR VIVERITO:

Will the sponsor yield?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Viverito.

SENATOR VIVERITO:

For the purpose of legislative intent, I would like to ask the

following question, if I may, Senator. Senator, is it your intent that the adjustment committee in each Department of Corrections facility can determine who is ineligible for contact visits in the event that the inmate assaults a correction officer?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Yes.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

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Does that mean -- does he have to go to court then? Do you go to court with that issue, or who -- who -- who makes that decision?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

No. The facility can determine that. The administrative -- in the facility.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Viverito.

SENATOR VIVERITO:

Those determinations can be by the -- the supervision in each one of the institutions, then. There's no courts at all involved. Thank you very much, Senator.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Further discussion? Senator Madigan. Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. I have another question of -- for legislative intent.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Madigan.

SENATOR R. MADIGAN:

Senator Luechtefeld, is it stated in House Bill 4124 that inmates found guilty of assault committed against a Department of Corrections employee shall not be permitted contact visits for a period of at least six months?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

That is correct.

PRESIDING OFFICER: (SENATOR WATSON)

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Further discussion? Further discussion? If not, Senator Luechtefeld, do you want to close?

SENATOR LUECHTEFELD:

I -- I think this is just another -- we -- we -- we've done some things in this Body to make those facilities safer for the people who work there. I think this is -- is -- is kind of another along in that series to do the same thing. Would ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Question is, shall House Bill 4124 pass. All those in favor, say Aye -- vote Aye. All those opposed, vote No. Voting's open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 58 voting Yes, no voting No, no voting Present. House Bill 4124, having received the required constitutional majority, is declared passed. House Bill... I beg your pardon. Committee Reports, Madam Secretary.

ACTING SECRETARY HAWKER:

Senator Weaver, Chairman of the Committee on Rules, reports the following Legislative Measures have been assigned: Refer to Executive Committee - Senate Amendment No. 2 to House Bill 739, Senate Amendment No. 1 to House Bill 861, Senate Amendment No. 1 to House Bill 2855, Senate Amendment No. 2 to House Bill 3872, Senate Amendment No. 2 to House Bill 3873, Senate Amendment No. 3 to House Bill 3876, Senate Amendment No. 1 to House Bill 3939, and Senate Amendment No. 1 to House Bill 4022.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm, for what purpose do you rise?

SENATOR KLEMM:

For the purposes of an announcement, Mr. President.

PRESIDING OFFICER: (SENATOR WATSON)

You may proceed.

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SENATOR KLEMM:

The Senate Executive Committee will be meeting in one hour, at about five minutes to 12, in Room 212. So five minutes to 12, Room 212, Senate Executive Committee.

PRESIDING OFFICER: (SENATOR WATSON)

We're now at the top of page 10. We're at House Bill 4176. Madam Secretary, please read the bill. Senator Tom Walsh.

ACTING SECRETARY HAWKER:

House Bill 4176.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Walsh, Thomas.

SENATOR T. WALSH:

Thank you, Mr. President and Members of the Senate. House Bill 4176 creates the Uniform Prescription Drug Information (Card) Act. The intent is to minimize the patient and pharmacist's confusion and waiting times and to streamline the prescription-filling and claim-filing process. The card has various categories that must be placed on the card and in -- in particular places on the card. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Robert Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. I've got three questions for legislative intent.

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Madigan.

SENATOR R. MADIGAN:

Senator Walsh, on page 3, lines 8 and 9, a claims submission name and help desk name must be on the back of the card. What is

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intended by "name"?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

The name required for both the claims submission address and the help telephone line may be the name of the company to which the claim or help desk inquiry should be directed. Name may also be the title or name of the individual to which the claims or help desk inquiries should be directed.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bob Madigan.

SENATOR R. MADIGAN:

Thank you, Mr. President. I have to correct myself, too. I have questions in excess of three questions. Does House Bill 4176, as amended, require an insurer to issue more than one card if they only issue one card?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR WATSON)

Senator...

SENATOR T. WALSH:

If the health plan issues one card for both medical and drug benefits, they are not required to issue another card. However, that one card must clearly identify and display all mandatory data elements. If the card -- if the plan issues a separate card for prescriptions, then the card must identify and display the mandatory data elements. Whatever is presented to a -- to pharmacists must identify and display the mandatory data elements.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Robert Madigan.

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SENATOR R. MADIGAN:

Senator Walsh, does House Bill 4176, as amended, require an insurer to issue a card if they do not do so now?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

That's a good question, Senator. No. Page 2, line 21 clearly states this applies only to a health benefit plan that issues a card.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Robert Madigan, for more good questions.

SENATOR R. MADIGAN:

Senator Walsh, does this -- does this bill contain a stipend?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

No.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Robert Madigan.

SENATOR R. MADIGAN:

Senator Walsh, does a health benefit plan include a third-party administrator?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Yes, that it does. This is tied in Section 15.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Bob Madigan.

SENATOR R. MADIGAN:

Last question, Mr. President. Senator Walsh, can the group number be letters, such as the company name, unless the insurer requires a group number for claims adjudication?

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PRESIDING OFFICER: (SENATOR WATSON)

Senator Tom Walsh.

SENATOR T. WALSH:

Senator, I was hoping somebody would ask that question and the answer is yes.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any further discussion? Any further discussion? If not, should House Bill 4176 pass? Those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 4176, having received the required constitutional majority, is declared passed. House Bill 4227. Senator Lauzen. Out of the record. House Bill 4228. Senator Klemm. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4228.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Well, thank -- thank you, Mr. President. 4228, as you -- some of you remember, this was the cellular siting location bill that I'd had in the Senate before and there were so many concerns. The bill did not pass. House Bill 4228, I think, addresses those concerns the best we can, but let me go over what some of them does. It allows some counties to have the opportunity to have a say in the siting of cellular towers in unincorporated areas of their counties. It includes all of the provisions and recommendations that the cellular industry had provided to me when I asked for their participation. And it establishes that the

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siting of the cellular towers must meet the federal Telecommunication Act of 1996. Now, this is the same as and is consistent with as which -- what all municipalities must follow now. It specifically prohibits any counties from prohibiting the siting of towers or discriminating among providers. There was also concerns and it's limited to only those counties with zoning authority to consider if it needs to adopt any regulations concerning siting. I might add, all one thousand two hundred and eighty-eight municipalities already have this authority. I must say that it does not mandate any counties to enact any rules or regulations concerning this. As another precaution, it also prevents any counties from the possibility of declaring a moratorium which would be designed to prevent any siting of cellular towers, which I know of no problems in that. It does give some local control of where these siting towers -- the two-hundred foot towers can be located. I think it's local control. I do ask for your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 4228 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 43 voting Yes, 7

voting No, no voting -- 1 voting Present. House Bill 4228, having received the required constitutional majority, is declared passed. House Bill 4231. Senator Maitland. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4231.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

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Senator Maitland.

SENATOR MAITLAND:

Thank you, Mr. President, Members of the Senate. House Bill 4231 does four things. It amends the seizure Section of the Criminal Code by allowing any property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act to be seized and forfeited under this Article. Number two, it amends the -- the maintaining a public nuisance Section of the Criminal Code to allow any real property erected, established, maintained, owned, leased, or used by a streetgang for conducting streetgang related activity as defined in Section 10 of the

Streetgang Prevention Act. Number three, it amends the Illinois Streetgang Prevention Act by creating a definition of contraband. And number four, it creates a new Section titled "Abatement as public nuisance" to property that -- to provide that property erected, established, maintained, owned, leased, or used by any streetgang for the purpose of conducting streetgang activity constitutes a public nuisance. This is more anti-gang legislation. I would seek your support.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 4231 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 57 voting Yes, no voting No, no voting Present. House Bill 4231, having received the required constitutional majority, is declared passed. House Bill 4258. Senator Karpel. Out of the record. House Bill 4260. Senator Dillard. Out of the record. House Bill -- House Bill 4369. Senator Parker. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4369.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This bill concerns bidi cigarettes and they are imported from India and they are sold here in the State of Illinois and the United States. They are small, hand-rolled cigarettes that are wrapped in a leaf and tied with a string and actually look like marijuana. They are -- ones that are sent to the United States, they are flavored in chocolate, vanilla, strawberry, citrus, et cetera, to encourage children and young people to use them. They are often sold in -- in health foods stores and portend to be healthier than cigarettes, when actually they contain twice the nicotine and tar as regular cigarettes. This bill bans the sale of bidi cigarettes in the State of Illinois. I would answer any questions, and ask for a favorable vote.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 4369 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 56 voting Yes, no voting No, 1 voting Present. House Bill 4369, having received the required constitutional majority, is declared passed. House Bill 4374. Senator Maitland. Out of the record. House Bill 4396. Senator

Dillard. Senator Karpriel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. On the last bill, 4369, would the record please reflect that I would have voted Aye, had I -- had I voted.

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PRESIDING OFFICER: (SENATOR WATSON)

The record shall so reflect. Senator Dillard, on House Bill 4396. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4396.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 4396 is an initiative from the Illinois Department of Human Services, and it is required because we received a waiver from the federal Health Care Finance Authority, commonly known as HCFA. And this bill would require the Office of

Inspector General to report to the nurse aide registry, very much like we do for long-term care now, operated by the Department of Public Health, those individuals who have been terminated from employment due to abuse and neglect. It prohibits mental health and developmentally disabled providers from hiring an individual who is listed on the registry and it requires mental health and developmentally disabled providers to check the registry prior to hiring. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR WATSON)

Sponsor indicates he'll yield, Senator Obama.

SENATOR OBAMA:

Senator Dillard, you know, we've had some conversations about

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this. This came through the Public Health and Welfare Committee, and I think that, uniformly, everybody is supportive of the intent of the legislation. I think there were a couple of issues that we

still needed some -- or, at least some parties felt still needed some work, and -- and one of them was the issue of -- of how abuse and neglect is defined in the statute. And I was wondering, could you discuss how that's defined currently and what your feelings were with respect to an amendment that had been shared with you trying to tighten up the definitions of abuse and neglect?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you. Senator, we are not changing the definitions of abuse and neglect as they are now. The problem will be and the real litmus test will come down to: How are they defined and interpreted by the Department when they put their rule together?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Well -- well, I think -- I guess that -- that brings up the point that -- that we raised in committee and -- and that is that all of us want to ensure that workers are not abusive in these settings. But the standard for what constitutes abuse has not been defined; we're leaving it up to the Department. And the reason that's important is that people should be clear that once you're on this registry, it may be very difficult to remove yourself from the registry. And these are often workers who may get fired initially for what's been termed "abuse" and then discovered later, through a union grievance process, for example, that, in fact, they were wrongfully discharged and are reinstated but remain on the registry. And so, can you tell me, I guess, why we didn't try to define abuse more effectively in the statute, as

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opposed to leaving it to rule making on the part of DHS?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Dillard.

SENATOR DILLARD:

Thank you. Again, we're -- we're not changing the -- and there is a statutory definition, albeit somewhat limited, of abuse and neglect. And, you know, we have left it up to the JCAR and rule-making process to further define how these two terms are further expanded upon other than the minimal definitions in the statute.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Obama.

SENATOR OBAMA:

Well, I -- I don't want to belabor this point. Let -- let me just reiterate again that -- what's going on here. You've got workers, most of them relatively low-wage workers. Some of them are represented by a union, and if they're represented by a union, then there's going to be a hearing procedure as to whether or not they were appropriately discharged, whether they, in fact, engaged in abuse and neglect. They'll have some protections and will

probably be okay. They are unlikely to end up on the registry unless they actually engaged in fairly serious conduct. You also have a large number, however, of workers in this industry who are not represented by a union, and there have been several occasions where these workers, for example, were discharged for things like trying to restrain a mentally disabled patient who was pretty unruly, and accidentally struck them, for example. But under the definitions that currently exist, if I'm not mistaken, that could be considered abuse, even if there was a self-defense element involved. For those individuals to become placed on a registry, where they can never work in this industry, is a pretty onerous process. And the fact that we don't have the kinds of due process

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hearings and counsel at hearings that may be needed is a source of concern. The reason I raise that is because I'm hoping, Senator Dillard, that this, as I understand it, and -- and -- and maybe you can address this, is going to have to go back to the House. Your anticipation is that it will go into conference committee. My hope is, is that some of these things get addressed in conference committee, as opposed to simply leaving it to the rule-making process and DHS.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. I just wanted to rise in support of this bill. And I understand Senator Obama's concerns - we talked about this in Public Health - and -- and certainly we have to look after the employees. But let's not forget here, we are mainly talking about the victims of abuse, and the disabled have not been protected, as other people have, in long-term care and in nursing homes. And -- and they need this protection, and we need not to forget them. They are a main priority. And I would ask for an Aye vote.

PRESIDING OFFICER: (SENATOR WATSON)

Further discussion? If not, Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President, and Senator Parker said it so well. Again, I just want to remind the Body that this is a requirement from the federal government in us obtaining a waiver. It's long overdue to provide these types of protections to the developmentally disabled. And I want to remind Senator Obama, in the definition of abuse, it says that whatever happens to the resident has to come from other than accidental means. So if somebody inadvertently touched the patient while putting on a restraint or something, I believe that through the hearing process

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and the definition, that person would never be put on the registry. I appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR WATSON)

The question is, shall House Bill 4396 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there's 53 voting Yes, no voting No, 4 voting Present. House Bill 4396, having received the required constitutional majority, is declared passed. House Bill 4404. Senator Noland. Out of the record. The sponsor has requested that we hold the remaining bills on page 10 and then halfway down page 10 {sic} and we'll proceed with House Bill 4447. Senator Rauschenberger. We're on page 11. Middle of the page. Senator Rauschenberger. Madam Secretary, please read the bill.

ACTING SECRETARY HAWKER:

House Bill 4447.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is the annual Auditor General's bill. It transfers from the departments to the Auditor General the monies necessary to pay for

the audits that are required under both State and federal statute of the departments affected. I'd appreciate favorable consideration. Happy to try to answer a question on this.

PRESIDING OFFICER: (SENATOR WATSON)

Is there any discussion? Is there any discussion? If not, the question is, shall House Bill 4447 pass. All those in favor, vote Aye. Opposed, vote No. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take

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the record. On that question, there are 58 voting Yes, no voting No, no voting Present. House Bill 4447, having received the required constitutional majority, is declared passed. Senator Karpriel, for what purpose do you rise?

SENATOR KARPIEL:

Thank you, Mr. President. To announce that there will be a thirty-minute caucus in Senator Philip's Office, a Republican Caucus in Senator Philip's Office, on the supplemental. This is really an optional caucus, but it will explain what -- what will be in the supplemental. So we hope everyone will attend.

PRESIDING OFFICER: (SENATOR WATSON)

It's the intention of the Chair to recess until after the

Executive Committee and that will be at the call of the Chair.

After the Executive Committee, call of the Chair. Senator Demuzio.

SENATOR DEMUZIO:

I see the Chairman of the Executive Committee standing. Are we still, then, going to meet five minutes to 12?

PRESIDING OFFICER: (SENATOR WATSON)

Senator Klemm.

SENATOR KLEMM:

Thank you. Yes, I -- I think with a half an hour, that'd give us ten minutes to assemble down in Room 212. So we're still on track.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Demuzio.

SENATOR DEMUZIO:

That meeting is not optional, is it? I mean, that's sort of compulsory.

PRESIDING OFFICER: (SENATOR WATSON)

Senator Molaro, for what purpose do you rise?

SENATOR MOLARO:

Thank you, Mr. Speaker. Our caucus chair -- since this isn't

a caucus, I think the Democrats may have a informal meeting in Jones' Office. I don't think we're caucusing. No. No.

PRESIDING OFFICER: (SENATOR WATSON)

Once again, it's the intention to stand in recess till after the Executive Committee, at the call of the Chair.

(SENATE STANDS IN RECESS/SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

Invite the Members to please come to the Floor. The sooner we all get out here, the sooner we can get our work completed for the week. The Senate will come to order. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports Senate Amendment 2 to House Bill 739 Be Adopted; Amendment 1 to House Bill 861, Amendment 1 to House Bill 2855, Amendment 2 to House Bill 3872, Amendment 2 to House Bill 3873, Amendment 3 to House Bill 3876 and Amendment 1 to House Bill 4022, all Be Adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 730, along with House Amendment No. 2.

We have like Messages on the following bills with the

following amendments: Senate Bill 747, Amendment 1; Senate Bill 1249, Amendment 2; Senate Bill 1296, Amendment 1; Senate Bill 1307, Amendment 1; Senate Bill 1377, with Amendment 1; Senate Bill

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1404, Amendment 1; Senate Bill 1425, with Amendment -- Amendments 1, 2 and 3; Senate Bill 1426, with Amendment 1; Senate Bill 1451, with Amendments 1 and 2; Senate Bill 1453, with Amendment 1; Senate Bill 1541, with Amendments 1 and 3; Senate Bill 1660, with Amendments 1 and 2; Senate Bill 1690, with Amendment 1; and Senate Bill 1871, with Amendment 2.

All passed the House, as amended, April 7th, 2000.

PRESIDING OFFICER: (SENATOR MAITLAND)

Resolutions.

SECRETARY HARRY:

Senate Resolution 346, offered by Senator Noland and all Members.

It's a death resolution, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Ladies and Gentlemen, if I could have your attention, please. When, momentarily, we go -- we come back to work here, we're going to do recalls with respect House Bills 861,

1534, which is the supplemental, and House Bill 4022. We will then proceed back on the same order of business to House Bill 739. That bill is awaiting one more amendment that was agreed to in Senate Executive Committee. Senator Luechtefeld, for what purpose do you arise, sir?

SENATOR LUECHTEFELD:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please state your point.

SENATOR LUECHTEFELD:

In the gallery to my right here is the -- Judge Karmeier from Washington County. I'd like him to stand, and welcome him please, if you would.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guest in the gallery please rise and be recognized,

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please? All right. Ladies and Gentlemen, in the middle of page 6, House Bills 3rd Reading, is House Bill 861. Senator Philip, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Philip does seek leave of the Body to return House Bill 861 to the Order of 2nd Reading for the

purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 861. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka, for Senator Philip.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. Floor Amendment No. 1 to Senate -- to House Bill 861 makes certain changes to the Criminal Code. It adds a number of sexual assault provisions to the offense of home invasion. Additionally, it now provides statutorily that burglary shall be a lesser-included offense of the -- of residential burglary. And it also changes language within the residential burglary Section that was necessary for clarification. Additionally, it would provide that for certain...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka, excuse me. Ladies and Gentlemen, please, this is a very important amendment. Would you give Senator Petka your attention, please? Senator Petka.

SENATOR PETKA:

It also provides that certain types of -- of domestic felonies involving felony domestic battery, aggravated domestic battery, aggravated battery, unlawful restraint, and aggravated unlawful restraint, against a family or household member will require a mandatory minimum sentence of either ten days in jail or three

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hundred hours of community service. A child is -- is defined further under -- for purposes of this legislation, as one who is under the age of sixteen. This bill came out of the Executive Committee without a dissenting vote. It's a good piece of legislation, and I urge the amendment's adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Petka has moved the adoption of Floor Amendment No. 1 to House Bill 861. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the motion is adopted -- the amendment is adopted. Mr. Secretary, are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Middle of page 6 is House Bill 1534. Senator Rauschenberger, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Rauschenberger seeks leave of the Body to return House Bill 1534 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House

Bill 1534. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, Senate Floor Amendment No. 2 to House Bill 1534 contains the supplemental Article of the introduced budget with one change. I'd appreciate the adoption of the amendment and be happy to

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explain it and debate it on 3rd Reading.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Rauschenberger has moved the adoption of Floor Amendment No. 2 to House Bill 1534. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Near the bottom of page 9 is House Bill 4022. Senator Jones, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Jones does seek leave of the Body to return House Bill 4022 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4022. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Wendell Jones.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Wendell Jones.

SENATOR W. JONES:

Yes, Mr. President and Ladies and Gentlemen of the Senate. This amendment gives the Director of DCCA the power to appoint the seven-member Advisory Board, instead of the Governor, and removes the need for the Senate to confirm. Transfers several duties from the Advisory Board and the Statewide coordinator to the DCCA Director. Removes the Statewide coordinator. Requires the Advisory Board to meet at least annually, rather than quarterly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Jones has moved the

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adoption of Floor Amendment No. 1 to House Bill 4022. Those in favor, say Aye. Nay -- opposed, Nay. The Ayes have it. And the amendment is adopted. Are there any further Floor amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure assigned: Be Approved for Consideration - Senate Amendment 3 to House Bill 739.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, back -- the middle of page 6 is House Bill 739. Senator Philip seeks leave of the Body to return House Bill 739 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 739. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank -- thank you, Mr. President and Ladies and Gentlemen of the Senate. Floor Amendment No. 2 to House Bill 739 becomes the

bill. It creates two separate offenses: UUW and aggravated UUW. Let's make no mistake: Unlawful use of a weapon does not mean actually using it. This is about possession and transportation. We believe we have worked out an agreement that comes down hard on gangbangers and criminals while offering some type of mitigation in the law for otherwise law-abiding citizens. I believe very

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strongly that punishment ought to fit the crime. Now, we have spent many, many, many, many hours and many different people got involved in this final result of this amendment. And it has been endorsed by the Governor, the Mayor of the City of Chicago, the State's Attorney of the City of Chicago, the Illinois Police Association, Illinois Sheriffs' Association, the Illinois State's Attorneys Association. I'm not an expert on this. I'm not a lawyer, I'm not a sheriff, and I'm not a State's attorney. But I have Ed Petka, who has been a two-term State's Attorney for Will County, probably has a better knowledge of this issue than anybody that I know. So, any of the difficult questions, I'm going to turn over to my expert, Ed Petka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Discussion? If not, Senator Philip has

moved the adoption of Floor Amendment No. 2 to House Bill 739. Those in favor, say Aye. Opposed, Nay. The Ayes have it. And the amendment is adopted. Any further amendments, Mr. Secretary?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment No. 3 was a recommendation in Senate Executive Committee today by Senator Molaro and Senator del Valle, removing one word. The word is "affiliated". That's all it does. It doesn't change the outcome of the bill. It was a good suggestion. We agreed to do it. This is the Floor amendment to do it. So I move the adoption of Amendment No. 3.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, Senator Philip has moved the

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adoption of Floor Amendment No. 3 to House Bill 739. Those in favor, say Aye. Nay. Nays opposed? Ayes have it. And the

amendment is adopted. Are there any further amendments, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, we're going to start now, one more time through the Calendar, House Bills 3rd Reading. So you need to be in your Chair, because if we pass over you this time, it's all over. All right. Top of page 6. House Bills 3rd Reading. House Bill 709. Senator Cronin. Senator Cronin. All right. House Bill 739. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 739.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I've just explained the amendment, which is the bill. We just added a third amendment, which you all understand. And I will, once again, say if there's any technical or -- questions about this bill, I would refer to Senator Petka. I might say this: Also, the Attorney General for the State of Illinois has endorsed this bill. I don't know if we've ever spent as much time on a bill or a subject as we have on -- UUW. There's been more input from sheriffs, from police chiefs, from State's attorneys,

from lawyers, the ACUL {sic} (ACLU), about everybody you can think of. This is a very well-done compromise bill and I certainly

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would ask everybody to vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President and Members of the Senate. The -- as Senator Philip has pointed out, this bill was a work in progress for a long period of time. For those of -- on our side of the aisle, if you have an opportunity to examine this legislation, you will see that it -- it differs in -- in only the language that has been used and the dressing that has been used from legislation that we considered back in December. A couple of very important points to point out. First of all, this provides for a -- a first-time offender to be charged with a misdemeanor, which was the essence of Senate Bill 71, under (a) (4) and (a) (10). One of the things we did do in our research in connection with this legislation is we found an anomaly in the law, and that is that it was, believe it or not, a misdemeanor to walk into a -- with a -- with a -- into a tavern with a loaded weapon, but a

person who was in possession of a -- of a firearm which was not loaded, in -- in other circumstances, it would be a -- it would have been a felony. Additionally, we have upgraded the penalty for possession of a firearm violation a second time to a Class 2 felony, specifically targeting gangbangers. We now have created an -- an offense called the "aggravated unlawful use of a weapon". And there are a number of provisions that we have placed into this legislation, but most importantly it is -- it provides that a person who is a member of a streetgang, as we have previously defined that, can be charged with a felony. It has long been contended, by those who were proponents of the original Safe Neighborhoods bill and those of us who -- who basically supported all provisions except for one small provision in that legislation, that the real target of any prosecution should be

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gangs and we've placed it in there. Additionally, we have added other provisions which simply make common sense in terms of the class of offenders that we are targeting. I have to say, personally, this is a -- the position that is taken here is -- is -- is a compromise, a compromise between people who are absolute -- would simply like to do away with the Second Amendment and

those of us who feel like myself and our -- our presidential nominee, Governor Bush, on a right to defend under the Second Amendment. But it is a compromise that -- it is a compromise in the sense that reason has finally prevailed, that we, in fact, have a -- a piece of legislation that appears to have satisfied quarters -- all quarters as something that we can move forward with. And to Senator Philip, we -- we certainly thank you for your perseverance in connection with this issue. We -- we thank you for standing up for our rights and we think the compromise that is brought forward is in the best interests of the people of this State. I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Just -- just to let us know, we actually compromised at the last -- even up to the last minute. Leader Jones pointed out that there might be some language that would cause some racial profiling or not be understood by the public at large, and they were gracious enough to amend that. So I want to thank Leader Jones, as well as President Philip. And there is total agreement. Who would have ever thunk it, and, crew, we gave up our Christmas, that it would turn into a virtual love fest over this bill, but it has. It's a great compromise and I urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

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Yeah. Thank you, Mr. President and Members of the Senate. This is an attempt to bring about a solution to a problem, and after those long days last December, I'm -- I'm glad to see some sort of compromise is in fashion, but I do have some question. One was just addressed and I want to ask the prosecutor or my -- my good friend a question. If I'm a member of a organized crime group and I have no previous arrest record or conviction and so forth but I'm a member of organized crime, and I get arrested under this Act, how would I be charged?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Well, Senator, I would answer it in this way. The language in this bill was designed to go after a class of individuals that you yourself a few months back felt was deficient in -- in legislation that I was proposing, that it did not sufficiently target members of organized streetgangs. So we inserted in this -- in this legislation language which specifically permits those members of organized streetgangs, who have been terrorizing the -- the -- the people in the City of Chicago, with charging them with a felony. So we went after the intended target of the Safe Neighborhoods Act and that's precisely what -- the language that we used that's in this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

Again, you didn't answer the question, as most prosecutors would not, so let me ask you again. If I'm a member of organized crime, which is a gang, and -- but I have no previous arrest record or anything of that nature - and organized crime could be involved in selling drugs, or dealing, and killing folks - if I were to get arrested with a gun with no previous record, as such,

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what would I be charged with?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

In the extremely unlikely event that a member of organized crime would be traveling without a firearm in his possession, there is a -- the likelihood is that the person could still be charged with a crime, could be charged with unlawful use of a weapon, and if one of the aggravating factors was present, this law-abiding member of an organized crime gang could possibly be charged with a felony.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

So are you saying that that person with no previous record, a member of organized crime, as such - and we know organized crime and what they do - are you saying specifically that that person would be charged with a felony or would that person be charged with a misdemeanor?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

What I'm saying, sir, is that we have given guided discretion to prosecutors to tell them those circumstances where that person can be charged with a felony. If you take a look at the -- the language here, it would be -- it would be directly dependent on whether or not the firearm is cased, whether or not it is immediately accessible. So in those circumstances, where they qualify for being charged with a felony, a prosecutor could, using guided discretion, charge the individual with a felony. If he felt that this -- this member of organized crime was by rumor and felt that all of the provisions that would permit a charging of a

felony had not been met, then he has the option to charge the person with a misdemeanor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

I'm trying to get at a question in the Constitution and not being a expert in the Constitution, and it's -- it's a provision called "equal protection under the law". Now, reason why I ask that question, because we want to pass a law that would withstand a court challenge. So I'm asking you this question one more time. If I have a loaded gun in my car, I'm driving with that gun in my car, I'm a member of organized crime but I have never been arrested or haven't been convicted of any crime whatsoever, would I be charged with a Class 4 felony under the provisions of this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

If you're asking me for an interpretation based upon the circumstance that you just gave me, I would believe that a member of organized crime would have fit the definition that we had placed into this -- into the Criminal Code about seven years ago, and, yes, that -- that individual may be subjected to a charge of aggravated unlawful use of a weapon.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones.

SENATOR E. JONES:

Well, I won't drive the point any further because I see you're being rather evasive on this issue. And only thing I'm trying to point out to you, if we have come almost ninety-nine percent in trying to resolve this particular problem, then under the equal protection of the law aspect, then everyone should be treated the

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same. If you are a gang member or if you are a member of the Ku Klux Klan and you have no previous record and so forth, but just because of your affiliation, how would you be charged? And this issue could be one -- could be challenged and knocked out in court, then we'll be back at square one again. And from your own words, Senator, you have said the law has to be explicit. And -- and since this law does not deal with those other individuals and they get caught in similar situations and they'd be charged with a misdemeanor, which in turn will cause this whole Act to be thrown out as being unconstitutional, I'm trying to avoid that. And so if -- if we could possibly clean this bill up if it gets over to the House, clean up this particular aspect of it so that we would have a law that could withstand the challenges. I want to make it crystal clear, crystal clear to this Body and all those concerned: I'm opposed to those gangbangers. I'm opposed to those

individuals terrorizing people. But by the same token, if you cannot be arrested just because you are a member of a gang and just because you get caught with a gun - you haven't committed any crime other than carrying that gun - that's where the equal protection of the law comes in, and at that stage, Senator, Mr. Prosecutor, I think that this bill should possibly be amended on the other side of the aisle so that you can have a -- a bill that will withstand a court challenge, just on that provision.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Mr. President. Question to the sponsor or the sponsor's spokesperson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Bomke.

SENATOR BOMKE:

Thank you. Senator Petka, am -- am I understanding correctly

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that the prosecuting attorney has more discretion under this bill, not unlike a bill that you proposed a few months ago?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

Without going point by point in trying to heighten the differences between them, I would simply say that the discretion that is given in this bill is what I would refer to as guided discretion, that we are pointing out those categories where a -- a felony may -- may be charged, not must be charged.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Bomke. Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Mr. President. Will the sponsor yield for a...

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR OBAMA:

Senator Petka, I understand what you're attempting to do and I think, actually, that you've accomplished a pretty good compromise here. I just want to clarify a couple of points. I know that a major concern was the issue of streetgangs, but I think that during the debate, at least over Christmas, at least that part that I was here to observe, the -- if I recall correctly, there was also a debate about whether or not individuals who are not affiliated with streetgangs should still be in possession of -- of a gun while driving, for example, or on their person. And so, my question right now doesn't relate to the streetgang member but it relates to the ordinary, quote, unquote, "law-abiding citizen". I'm not a member of a streetgang, I am driving and I've got a loaded gun in the glove compartment. Can I be charged with a felony or only with a misdemeanor in that circumstance?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Petka.

SENATOR PETKA:

The important consideration here, Senator, is whether or not that firearm is immediately accessibility. If there is a -- and we have court cases that have dealt with the issue of accessibility for the last twenty years. So, I mean, that's a good start.

PRESIDING OFFICER: (SENATOR MAITLAND)

The Illinois Information Service requests permission to videotape. Is leave granted? Leave is granted. Senator Obama.

SENATOR OBAMA:

So let me just -- let's assume that it is under -- under the -- the court-developed law, that it is, in fact, accessible. I'm not a member of a streetgang, but a loaded gun is accessible to me -- let's say it's right next to me in the passenger seat. Can I be charged with a felony in that circumstance?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

That is not true. I believe that you used the word that it

was a loaded firearm, and if it's immediately accessible, the person may be charged with a -- with a aggravated unlawful use of a weapon, which -- which is a felony.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Okay, I'm sorry, I just wanted to clarify. I -- you said I was wrong, but then you said I was right. So I just want to make sure. That person can be charged with a felony, is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

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That person may be charged with a felony but does not have to be charged because there is an element of prosecutorial discretion.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

I -- I guess I'm confused though. The -- there -- there's -- he does not have to be charged with a felony but may be charged

with a felony, in that circumstance. Is the same thing true for the streetgang member?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

The answer is yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Okay. The -- and the same would be true -- as I read the -- the bill, the same is true if, in fact, he has an unloaded gun but the ammunition is readily accessible. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

That is correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Obama.

SENATOR OBAMA:

Okay. Just a -- a closing comment then. I think that given that that's the case, I do think that, although the focus of the debate in the Executive Committee was on the streetgang member, I'm going to be supportive of this bill, primarily because it does, I think, get at the broader issue beyond streetgang members

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that people were concerned about, which is whether or not we wanted to allow persons to have a gun easily accessible when they were stopped by police officers or whether, in fact, we were passing a conceal/carry bill or -- or, permitting conceal and carry without charging a felony. It sounds to me that that is being taken care of. I share some of the concerns about equal protection that Senator Jones mentioned; however, I think that some of the concerns that he has have to do with the fact that the -- the streetgang -- description of what constitutes being a member of a streetgang is not actually contained in this bill but actually derives from other bills that we've already passed. And if we want to tinker around with that and -- and make sure that that's not being applied in a discriminatory, abusive fashion, then we probably have to look at other pieces of legislation, as opposed to this one. I think this is a good compromise and I will be supporting it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank -- thank you, Mr. President. Will sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield.

SENATOR HAWKINSON:

Senator, if a case is in the back of an SUV or a van, is it your intent that that would fall under the rubric of not immediately accessible?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka.

SENATOR PETKA:

That would be the intent of -- of this sponsor, yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Is there further discussion? If not, Senator Philip, to close.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. In regards to the Ku Klux Klan, I think that any judge or any State's attorney would consider them a gang, like any of us would. So I don't think that's an issue at all. I would say this: You know, we call the legislative process is compromise. We've had almost every level of law enforcement working on this compromise. And we started back, if you'll remember correctly, in November, 1999. This -- this piece of legislation has had more input than anything that I've seen in a long, long, long time. So

it reflects well on the system, reflects well on the General Assembly, and there ought to be fifty-nine green votes up there.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 739 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 739, having received the required constitutional majority, is declared passed. House Bill 861. Senator Philip. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 861.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

I'm going to turn this complicated -- over to my partner in crime, Senator Petka.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka. Senator Petka, you're on again, sir. House Bill 861.

SENATOR PETKA:

Thank you very much, Mr. President, Members of the Senate. I'll be brief. The -- this provision is a series of criminal amendments which add certain sexual -- forcible felony sexual assault provisions into the new definition of "home invasion". It will provide statutorily that burglary is a lesser-included offense of the -- of residential burglary. Additionally, it will provide that certain offenses that are committed in the presence of a minor will be subject to a mandatory minimum sentence of ten days in jail or three hundred hours of community service. The felonies that are covered by this are the felonies of domestic battery, aggravated domestic battery, aggravated battery, unlawful restraint, and aggravated unlawful restraint against a family or household member. The bill came out of the Executive Committee without a dissenting vote. It's a good amendment and I urge its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 861 pass. Those in favor, vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 861, having received the required constitutional majority, is declared passed. House Bill 1534. Senator Rauschenberger. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1534.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Mr. President, Ladies and Gentlemen of the Senate, I seek leave of the Body, for -- for one moment, to make the first introduction I've made in three years of anyone. In the President's Gallery, sitting above Senator John Maitland, who is presiding, is a group of high school students from Elgin High School that are down at my invitation to observe the process. I'd like the Senate to recognize 'em.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would our guests in the gallery please rise and be recognized by the Senate? Welcome to Springfield.

SENATOR RAUSCHENBERGER:

I promise the President that'll be my only invitation of the -- of the legislative year. The bill before us, as amended, House Bill 1534, is the supplemental Article to the Governor's introduced budget. It is exactly as the Governor introduced it

with the exception of some changes to the transfer language involving Elgin Mental Health Center, which is in my district. The General Revenue component of this bill is three hundred and twenty-four million six hundred and forty-eight thousand. The other funds are three hundred and seventy-two million six hundred and ninety-six thousand, for a total supplemental of six hundred and ninety-seven million three hundred and forty-five thousand. I'll be happy to -- to elucidate any of the Sections or Articles that Members have questions about.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Trotter.

SENATOR TROTTER:

...very much, Mr. President. Just for the Members on the Democratic side, this is essentially as outlined by the Chairman, a great clean-up bill and there are some good things in here. And

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I encourage all on this side to vote for it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Senator Rauschenberger, on the -- the area of the -- the group health insurance, what -- what was the amount of increase -- or, the amount in the supplement?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Syverson. It's an additional sixty-five million to the FY'00 level, which actually increases the base of next year's budget by sixty-five million. So the actual bill is sixty-five. Its effect is a hundred and thirty million of increased funding for the increased liabilities.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

And what was the -- the cause for the need to have the supplemental of -- of that magnitude, of the sixty-five million?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

There -- there are about four factors that have driven the increase in group health insurance that we're all members of, for the most part, as well as responsible for all the State employees, the State retirees. Essentially, it is a significant and some would say dramatic increase of the cost of pharmaceuticals, a

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slight increase in utilization. There are also the effects of some of the mandates that we have passed in the Legislature, as well as the fact that, clearly now, health maintenance organizations have driven most of what they would call the -- the -- the fat out of the budget and we're now seeing, for the first time, increases in costs for managed care rates.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

Last question. Has this -- the current budget that has been introduced or being negotiated now, has that adequately placed the dollars necessary so we're not going to be faced with a supplement of this size next year because of underestimating of group health insurance costs?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Syverson, the Governor's proposed budget takes into consideration the sixty-five-million-dollar supplemental, which adds sixty-five million in this fiscal year, raises the base up by sixty-five million in the next fiscal year and adds an additional

seventy million on top of it for next year's budget. So for Members of the Body, it is good to point out that our group health insurance isn't today costing us two hundred million more. Keep in mind we have an eight-hundred-million-dollar revenue growth projected for the next fiscal year. Two -- a quarter of that is what it costs to fully fund the increasing cost. To the best of our knowledge, the sixty-five million supplemental plus the seventy million additional should be able to keep us, we hope, within the thirty-day payment cycle required by statute.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Ronen.

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SENATOR RONEN:

Thank you, Mr. President. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR RONEN:

Yeah. Senator Rauschenberger, I wanted to discuss the child care funding with you. I understand that there's a shortfall in the current fiscal year of about a hundred and twenty-two million

dollars. Does this supplemental provide a hundred and twenty-two million dollars' funding?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Ronen, no, it does not provide a hundred and twenty-two million dollars. It provides forty million dollars, which the forty million plus the adjustment to next year's base of forty has a net effect of eighty million. In -- in addition, the Governor is proposing a hundred and eighteen million additional in next year's budget, which by our calculations, unless the agency is managed more effectively, will still result in a shortfall if we were to approve the Governor's supplemental and his next year's budget. We think there may still be as much as a forty or forty-five-million-dollar shortfall in the next fiscal year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

Yes, thank -- thank you for those statistics, I just want people to understand that, that we -- that we're not in here providing for the full growth that we've seen in the child care line. And I should also say, although we've seen really rather dramatic increases in child care, they've been corresponding to

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the dramatic decreases in the welfare roles, a direct correlation between the two. So while we're spending more on child care, we're spending much, much less on welfare. So I just wanted to make that point. That wasn't a question, Mr. -- Senator Rauschenberger. But let -- let me ask you one now. If -- we're deferring 43.9 million dollars in current need in the child care program for this year and we're going to be paying for it in next year's budget, am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Yes, Senator Ronen, that's the Governor's financial plan as introduced in the budget. In effect, what he's saying, is he wants to use next year's fiscal revenues to pay for essentially the June child care bills, rather than paying them out of June liability in July. In any case, you couldn't have paid them any sooner because of the fiscal year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

But it reminds me a little of the Medicaid problem that we had of delaying payments and I see you nodding in that respect. But if we are deferring almost forty-three million dollars, and I thought the Governor's proposed budget was about sixty-eight million dollars more for next year, we really -- am I -- am I wrong on that? Sixty-five million is what I was...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you. Perhaps I confused you a little. When I say -- you have to take the forty-million-dollar adjustment of the supplemental to the base and add it to the requested

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appropriation, which is where you come to one eighteen. The total request -- another way to think of it, over fifteen months the Governor is asking for a hundred and fifty-eight million new dollars to support child care, and that doesn't even deal with the total liability that's expected.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

So, therefore, if the -- the amount of money that we're going to be spending -- that we're proposing to spend -- that we think we'll be proposing to spend next year would only fund child care for eleven months again, is what -- is -- because that's what really happened this year. We only funded it for eleven months. Would that same situation be present in the next fiscal year

budget?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Ronen, you're correct if you assume that the administration makes no changes to the program that they have, no changes to the -- for example, the -- the eligibility requirements, the income rules, the co-payments, all of which, which in -- in meetings with the Department, I've urged them to consider because I think it's important they stay within the statutory appropriation. I do agree with you, the eleven-month appropriation's an inappropriate way to deal with it. I guess I don't necessarily agree on the conclusion the only way to manage this is by unfettered growth. It's not an entitlement.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

Well, I -- I would just say that the -- the growth -- I would

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disagree that the growth has been unfettered, because we've seen the -- the decreases in welfare and we're spending a lot less on

welfare and we are spending more on child care. So I just want to thank you for those comments, and I look forward to working with you. You've been a great and strong proponent, along with Senator Donahue and Syverson, on child care, and I do appreciate it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Burzynski.

SENATOR BURZYNSKI:

Senator Rauschenberger, in looking over the supplemental, I do notice one area in the Department of Corrections, the appropriations of 2.8 million GRF to fund the hiring of sixty additional parole agents. Have those agents already been hired?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Burzynski, to the best of our knowledge, the administration has not hired those new parole agents yet.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

So -- so they have not been hired yet, so perhaps this entire sum is not necessary in this -- this fiscal year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That amount is annualized to reflect the cost of that -- those agents for the balance of this fiscal year, assuming hiring around

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you. Is there -- what was the rationale or the -- for the need for those sixty additional parole agents?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Burzynski, I'm glad you asked that. At one point, the Governor proposed adding two hundred new parole agents across the -- the entire correctional system to reduce caseloads. In a -- in -- in statements before the Appropriation Committee, harkening back to some discussions from late December, I think it was Budget Director Steve Schnorf said that he needed these sixty new agents to deal with the fact that we had not reinstated Safe Neighborhoods, and since we have just reinstated Safe Neighborhoods, maybe we can exact some savings in the next fiscal

year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Burzynski.

SENATOR BURZYNSKI:

And just as a follow-up, did -- did the Director indicate how many people had been released because of that fact?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Senator Burzynski, he was asked that, I think, on two occasions and was unable to provide a number of felons supposedly released in the period in which the Safe Neighborhoods Act was not in effect.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Burzynski.

SENATOR BURZYNSKI:

So then just as a follow-up, just for my own clarification, we're -- we're going to go ahead and approve this for sixty additional parole agents because of something that we expected to happen, it has not occurred, and certainly we have no idea how

many individuals were actually paroled because of a lack of the Safe Neighborhoods Act. I just wanted to clarify that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

That's the only point I'd correct you on a little bit. Well before the controversy involving Safe Neighborhoods, the Governor, with the support of, I think, the Legislative Leaders, and certainly mine from my understanding of the corrections and parole system, wanted to reduce the caseload parole officers have to deal with and pledged, over three years, to put two hundred new parole agents out. The acceleration in this supplemental was argued for because of the Safe Neighborhoods Act, rather than the additional hires.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. Chairman. Senator Rauschenberger, my question is with respect to the Department on Aging. I see there's a three-million-dollar transfer. While that's not new money, it apparently goes to fund a rate increase that was awarded to case coordination units in February. I don't recall any discussion about a rate increase in this Body, either -- at the time the budget was passed. And I guess my question is, are we now liable for that rate increase from now on and how does that approval process work?

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Senator Radogno. Yes, the -- the Department decided, I would assume with concurrence of the Bureau of the Budget, to transfer three million dollars from an entitlement program to their case coordination unit line so they could give a rate increase that averaged from about twenty-eight percent to fifty percent for case coordination units. They did this, to the best of my knowledge, without any consultation with the legislative Appropriation staffs. That is unprecedented and is generally not the kind of things that the Appropriation staffs are comfortable with. We're not actually liable for the rate increase in the sense that since it was increased by rule unilaterally, the Department could decrease it by rule unilaterally. What we are doing in the supplemental is paying for what they did in February, through June 30th. Hopefully we can discuss that with the Department as we go forward in the FY2001 budget.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

Appreciate the Body's careful consideration of this supplemental. It's a fairly large supplemental. I certainly

appreciate the cooperation of both Senator Trotter and his fine staff and hope that the Body can support this supplemental.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1534 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1534, having received the required constitutional majority, is declared passed.

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Bottom of page 6 is House Bill 1597. Senator Radogno? House Bill 1853. Senator Philip? Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the

Senate. This is simply a vehicle bill. I suggest we pass it over to the House. Then we're going to get it in conference committee and -- and maybe work something out.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? If not, the question is, shall House Bill 1853 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. ...question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 1858 {sic}, having -- 3 (1853), having received the required constitutional majority, is declared passed. House Bill 1854. Senator Philip? Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 1854.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This is also a vehicle bill. Like to pass it over to the House,

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get it in conference committee, and we may work something out and we may not. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 1854 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. ...the question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 1854, having received the required constitutional majority, is declared passed. House Bill 2109. Senator Watson? House Bill 2110. Senator Dillard? Senator Dillard? All right. House Bill 2346. Senator -- Senator Myers? Okay. House Bill 2884. Senator Philip? Okay. Out of the record. House Bill 3271. Senator Radogno? With leave of the Body, I'm sorry, we'll go back to 2884. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2884.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. This came to me from the Wood Dale VFW. Most of the service clubs in my area are having a hard time finding people to volunteer and work to run Bingo. Under the present law, you have to be a

member. This would allow a neighbor or a relative or somebody to work in the Bingo thing if -- and they will not take a salary. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall House Bill 2884 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 2884, having received the required constitutional majority, is declared passed. Okay. House Bill 3640. Senator Dillard. Okay. 3699. Senator Dillard. All right. Senator Philip, on 3771. Okay. House Bill 3852. Senator Watson? We're being very cautious here, folks. We don't want to pass over anybody because I have said this is the last time through. So we're -- we're moving slowly and making sure we don't miss anyone. 3861. Senator Robert Madigan. All right. All right. Middle of page 9 is House Bill 3872. Senator Radogno, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator Radogno does seek leave of the

Body to return House Bill 3872 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3872. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senators Radogno and O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Radogno.

SENATOR RADOGNO:

Thank you, Mr. President. This bill attempts to address the concern over senior prescription drug coverage. There's two major components to this bill. For the poorest seniors, it raises the Medicaid eligibility level to one hundred percent of the poverty level over the next three years. It goes to seventy percent in the coming year. By doing this, it not only provides medication coverage for seniors but also other important services they don't have access to, such as home health care. Secondly, it expands

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the circuit breaker program quite significantly. It increases the eligibility levels. As you know, it's currently sixteen thousand -- currently sixteen thousand dollars per household. It will now

go to twenty-one thousand two hundred and eighteen for an individual, twenty-eight thousand four hundred and eighty for two persons, and thirty-five thousand seven hundred and forty for three or more persons. It also adds to the diseases that are covered. As you know, right now we cover arthritis, diabetes and circulatory diseases. This will add to that cancer, Alzheimer's, Parkinson's, glaucoma, and lung disease and smoking-related illnesses. It also reduces the cost of the card required to participate in the program. The current card cost: For those paying forty dollars will go to five dollars and the co-pay will go from fifteen dollars to zero; for those currently paying eighty dollars, the new card cost is twenty-five dollars and the co-pay will go from twenty-five down to three dollars. Additionally, there is a limited brand name waiver, meaning for those drugs that have a relatively narrow therapeutic index. When the physician determines that's the -- the better drug, the person may -- may use that drug. With that, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, Senator Radogno has moved the adoption of Floor Amendment No. 2 to House Bill 3872. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. Thirty-eight -- House Bill 3873. Senator Watson? Senator Watson, do you wish this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator

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Watson does seek leave of the Body to return House Bill 3873 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3873. Madam Secretary, are there any amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you very much, Mr. President. This amendment deletes everything and now becomes the bill, and you-all recall, we debated Senate Bill 1310, which was the gas tax legislation, which took the sales tax off of gasoline. This is the very same bill, except the -- the implementation of the bill takes effect January 1st of 2001, instead of October 1st of this particular year, and that cuts down the fiscal impact during this fiscal year to a hundred and twenty million dollars. Provisions remain the same. It's a five-percent State reduction. The local tax remains. There's a preemption in here on the home rule so that you cannot

-- local units of government can't raise taxes after we -- we take it off. And there is the provision in here that says that fifteen-percent increase in volume has to take place by January 1st of 2004, or the tax is reimposed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Any discussion? Any discussion? If -- I beg your pardon. Senator del Valle.

SENATOR DEL VALLE:

A question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR DEL VALLE:

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Senator, you indicated in committee that you would have another amendment that would require the placement of a sign at the pumps that would inform the public that this tax has been eliminated. Are we going to see that amendment?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes, thank you. It's a very good question. For those of you

that were in the committee, that amendment has been filed and it will be brought right out to the Floor sometime next week. We're not going to move with that today, but it has been shared with your staff.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussions? Senator Philip.

SENATOR PHILIP:

Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Philip.

SENATOR PHILIP:

In Thursday's Journal-Register, I noticed a very large article, about the second page back. Had a picture of the Speaker of the House. It had suggested that he was willing to take four hundred and eighty-seven million dollars in various tax breaks for the citizens of Illinois, and he had four or five things he outlined. I believe one of them was to -- removing the sales tax on gasoline. And I am just wondering, is this his amendment, his idea? Are these things parallel, are they alike, or what is the circumstances?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Well, it's funny you'd mention that, 'cause I have that

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article right here in front of me. It says here: Madigan proposes four-hundred-and-eighty-seven-million-dollar tax cut. Well, that could obviously be Bob Madigan, Lisa Madigan, but it is the Speaker Madigan, which is Michael J. Proposes four hundred and eighty-seven million dollars in tax cuts. The -- one of the provisions eliminates the State sales tax on gasoline, and his concern was that it would be -- the impact it would have on this particular fiscal year. So his -- at his suggestion, which we like and support, is that it would take effect January 1st, and that's one of his proposals. Yes, Mr. President, that's one of his proposals, and we feel that it is one that we should give special consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Emil Jones.

SENATOR E. JONES:

Yeah. Thank you, Mr. President. Will the sponsors yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Yes, Senator, they indicate they will yield.

SENATOR E. JONES:

Yeah. Senator Watson, I raised this question in committee and the reason why I raised the question, because, President Philip, in the meetings we had in the Governor's Office - and we are still in negotiations there - there has been no concrete tax plan passed. And to bring this bill up at this time, give the

appearance that we are really not negotiating in good faith. Also, in discussion down there, there was a proposal that would have these dollars come out of the Road Fund, rather than General Revenue dollars. And so, I was wondering if you were made aware of such, that if this happens, the dollars to fund this will come out of the Road Fund?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

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SENATOR WATSON:

This has no impact on the Road Fund at all. In fact, we think we ought to protect it. We rejected that -- that proposal that would have impacted the Motor Fuel Tax Fund. We think that it should be the sales tax. It's a larger benefit to the motoring public to do this, and, quite frankly, with the General Revenue Fund balance as it is and the economy moving along like it is, I think this is something we certainly can afford and I think the people deserve.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Emil Jones.

SENATOR E. JONES:

Well, in response to you, there again, when you talk about negotiating in good faith, you talk about dollars, that they are taking money from education, taking money from any of the other programs to aid the elderly and the poor of the State of Illinois. At the same time, you're wanting to fatten the pocket of the rich, and this is what -- basically what this does. And even though you're going to put an amendment on that bill, and as I indicated to you, if the amendment would say on a date certain, after this bill became law, that they would reduce the sale of -- of motor fuel by that percentage point, then the average motorist in the State of Illinois will receive benefit of such. But just putting it on the pump and not stating that clearly, then all we're doing is lining the pockets of the fat guys at the expense of the average motorist in the State of Illinois. And so -- so, again, I see you have that picture there. I see some more pictures in the news columns that were in the paper that we have not dealt with and so forth. But to -- to bring this bill at this time, when the Governor's waiting on President Philip and myself to go down to -- to -- to his office to continue the negotiations on tax relief, I don't think we actually are bargaining in good faith, and you

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should really take the bill out of the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there -- is there further discussion? If not, Senator Watson, do you wish to close, sir?

SENATOR WATSON:

Well, thank you. I'm not -- I'm not in that negotiation room, so I'm --- I'm not sure what actually goes on, but this is one piece of legislation and a concept, I think, that the public just literally demands. And just so you know this: Those of you who were sponsors of Senate Bill 1310, I took the liberty of putting all of your names on this bill. So if you want to take your name off for any particular reason, you might want to go up there and talk to the Secretary and have -- have your name removed. But I thought you'd like to be sponsor of this. And I -- and I do think -- and I know we're just going to adopt the amendment and maybe we'll save our speeches till later, but this is something, I think, that's very important. It's very timely, obviously, with the cost of gasolines continually rising. The competition of our neighboring states is fierce, and I think competition in the -- in the whole industry will keep the prices down. And I think that those -- those benefits, that tax benefit, will be passed on to the motoring public. And as a result, I think we should adopt this amendment, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson has moved the adoption of Floor Amendment No. 2 to House Bill 3873. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 3876. Senator O'Malley, you wish

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this bill returned to the Order of 2nd Reading for the purpose of an amendment? Senator O'Malley does seek leave of the Body to return House Bill 3875 to the Order of 2nd Reading for the purpose of an amendment. I -- I beg your pardon. 3876. 3876. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 3876. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 3, offered by Senators O'Malley and Radogno.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you -- thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Floor Amendment 3 to House Bill 3876 amends the Illinois Income Tax Act to create the Homeowners' Tax Relief Rebate. Allows a onetime rebate in an amount equal to the amount of the income tax credit claimed on the 2000 income tax return for

residential property taxes paid. The amount of each rebate is capped at three hundred dollars per principal residence and the -- the amount of total rebates in aggregate is up to two hundred and eighty million dollars.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator.

SENATOR TROTTER:

Yes. Senator O'Malley, on this bill, where are the dollars coming from for this rebate?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

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SENATOR O'MALLEY:

Senator Trotter, the -- the fund that is being created will actually have the dollars come from the Tobacco Settlement Recovery Fund. They will be transferred to what is newly created under this piece of legislation and called the Homeowners' Tax

Relief Fund.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you very much. Senator O'Malley, reading the language, it says rebates shall be paid to all eligible taxpayers who have filed a 1999 Illinois income tax return on or before September 1st, 2000. Are these rebates automatic or do you have to apply for 'em?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

They are automatic.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

And was -- is there a trailer bill, do you know of, Senator O'Malley, that will also be giving rebates to renters?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I'm -- I'm not aware of any such bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Thank you. I'll save the rest of it for the 3rd Reading, sir.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Thank you. Senator Hendon -- Senator Hendon.

SENATOR HENDON:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator Hendon.

SENATOR HENDON:

Senator O'Malley, why are we taking the money from the Tobacco Settlement? I thought that we were going to use a lot of that money for prevention, to keep children from smoking. Are we assuming that all homeowners smoke and have been affected negatively by tobacco? I don't understand.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Well, there might be some argument to say that what you just suggested is -- is the case, because all Illinois residents, citizens, taxpayers are affected one way or the other by smoking. But the reality is that the -- that the particular fund that is being created and the -- the dollars are being transferred from another fund are intended as a onetime initiative and are not intended to be built into base spending or funding within the

State budget. In addition, a lot of the dollars that are associated with health-related initiatives around smoking are being built into the base through the General Revenue Fund.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hendon.

SENATOR HENDON:

Well, I -- I'm certainly in favor of a rebate to tax -- to homeowners, some kind of relief, but I just have a problem where you're bringing the money from. And in Economic Development {sic} and Fiscal, we were told that the fund would be at three hundred and seventy-five million at the end of this year and your --

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we're going to take two hundred and thirty-two million of that. Is -- is that correct, or is that figure higher than what we're taking out?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Hendon, I understand that the number you estimated is close to what I have been informed, of -- approximately three hundred and seventy-seven million. And the amount of the transfer

would be two hundred and eighty million. So that would be the limit on -- on how much of -- the aggregate rebates could be across the State.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

...sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator O'Malley, earlier we talked about there being a lien on the tobacco settlement funds. We haven't tried to spend any of these funds yet, and so there has been no movement to enforce that lien. Isn't it quite possible that once we try to start spending this money, the law firm will then try to enforce their lien and put a hold on all of this money that's in this Fund?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Senator Welch, I am advised that even if the lien were enforced, there would be sufficient funds on hand and the transfer would have been made sufficient to cover this onetime annual property tax rebate.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

So the -- you're saying the lien is for the hundred and twenty-one million dollars that was awarded by the arbiter to the law firm - is that what you're saying? - as opposed to the ten percent claimed by the -- by the law firm in a lawsuit, I think they have filed. Do you understand what I'm talking about?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

The -- I'm advised that the lien that you're referring to is for ten percent of the total, which would put it in the neighborhood of thirty million, and so there would be sufficient dollars that would be free for the purposes of this -- funding this particular legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Welch.

SENATOR WELCH:

Well, I -- I don't think liens work that way. The liens are -- the -- the initial settlement was nine billion dollars. The contract was for ten percent. The lien would be for nine hundred million dollars. You can't file a -- I don't think you can file a lien that's a percentage, an ongoing percentage lien on what comes into the State. I've never -- never really heard of a lien like that. Maybe some of these other lawyers have, but I haven't. It

would seem to me the lien would either be for the nine hundred million dollars total, or the one twenty-one awarded by the arbiter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

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Senator Welch, I'm -- I'm told that the court order that was entered, I believe early this week, actually provided that the amount of the lien would be thirty-one million dollars and that for -- it would be prorated over the life of the settlement.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Malley, you wish to close, sir?

SENATOR O'MALLEY:

I'd appreciate the support of all the Members of the Senate to encourage and send a message that we have broad-based property tax relief, something that is important in every district that we represent.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley has moved the adoption of Floor Amendment No.

3 to House Bill 3876. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any further amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. House Bill 4022. Senator Jones. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 4022.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Wendell Jones.

SENATOR W. JONES:

Mr. President and Members of the Senate, House Bill 4022 transfers the Lieutenant Governor's powers and duties to DCCA under the Keep Illinois Beautiful Program. So if you vote for

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this bill, you will be voting to Keep Illinois Beautiful and streamline Illinois government. I would appreciate a favorable

vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 4022 pass. Those in favor will vote Aye. Opposed, Nay. The -- the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 57 Ayes, no Nays, no Members voting Present. House Bill 4022, having received the required constitutional majority, is declared passed. House Bill 4227. Senator Lauzen. Just to make sure. Okay. Thank you. House Bill 4258. Senator Karpriel. I don't think you want to call that, do you? Thank you. 4260. Senator Dillard. I don't think you want to call that one. House Bill 4404. Senator Noland. Okay. Earlier -- earlier we gave leave to Senate -- Senator Cronin on House Bill 709, on page 6. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 709.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. This issue is not a new issue to the Senate. We have addressed this issue in previous Sessions and we have voted on it and passed the provision in the past. This bill is a little different than those and I think it's more favorable to most than

the last versions. This bill amends the Public Aid Code to prohibit State-funded abortions and induced miscarriages, except

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when a physician believes such procedures are necessary to preserve the life of the mother. It further excludes premature births from funding, except to produce a live viable child when the procedure is necessary for the health of the mother or unborn child. Abortion funding will be allowed in instances of rape or incest to the extent that payment is required by federal law. I ask for your favorable consideration. Happy to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Ronen.

SENATOR RONEN:

Thank you, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Ronen.

SENATOR RONEN:

Now, am I -- I'm correct in assuming that the State Medicaid program provides medically necessary care for poor women who are pregnant. Is that true, Senator Cronin?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The State Medicaid program provides health care for poor people, yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

And when that -- when that health care is -- is needed, it's a physician who decides what is the appropriate form of -- of procedures and health care to provide. Isn't that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

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You're asking me if Medicaid payments are delivered automatically based on the recommendation of a doctor. I -- I can't answer that question unequivocally yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

I'm -- what I'm -- the point I'm making is that when -- that we leave to the discretion of a physician what health care services need to be delivered to maintain the health of a woman and, in fact, the Medicaid program, the purpose of that, is to provide for health care for poor women who are pregnant. And my point is, if this bill becomes law, we'll be departing from that practice. Won't we, Senator Cronin?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I don't think so. With all due respect, Senator Ronen, there are certain things that are covered under the Medicaid insurance plan and certain things that are not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

If a woman visits a physician and -- with, say, heart disease or epilepsy or diabetes, and if, the judgment of that physician, her health is in jeopardy if she continues a pregnancy, your bill would not allow the physician to provide the kind of procedure he thought were necessary to maintain her health. Isn't that true?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

It's a matter of degree. If her health is in such serious jeopardy that her life is endangered, then the Medicaid shall pay

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for the procedure.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

So, in other words, you're saying if she were to maybe expire immediately, they can do that, but if her health were jeopardized to the point that she might not live as long as she could or it would seriously impair the quality of her life, then we're not to be concerned with that, even though in a doctor's professional judgment, this pregnancy is -- is unnecessary for her health. I -- we can argue this back and forth, but let me just ask you this: Why is this bill necessary?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Why is it necessary? Well, I think that it's necessary because we recognize there is a right for women to seek and obtain abortion services, a constitutional right; however, because of considerations, considerations of the general public's opinion - we do have a democracy here - because of strong moral objection and because of the limited number of people that have -- have availed themselves of this program - it's not a -- it's not a widespread issue, once again pointing out an issue of concern to

democracy - I think the -- this provision is in order. We recognize the constitutional right, but we don't believe that that entitles those to the funding of that right. Just like we recognize many constitutional rights. We recognize the right to bear arms, but we don't believe that we should pay for poor people to have guns.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen. Senator Ronen, please.

SENATOR RONEN:

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But we do pay for poor people to have health care, and that's my point. And -- and what we're -- what we're -- and the Constitution does allow a woman to make a choice as to whether to maintain a pregnancy, and if her health is going to be jeopardized by that, the law allows that -- that she can avail herself of an abortion. What this bill does is just single out poor women. And as you said, it's very few. Twenty-two women have taken part in the Medicaid program. Twenty-two women. So I would say that this bill -- there's no purpose for this bill unless we're trying to set a stage and trying to start picking away at a woman's right to choose. Is this the first step in trying to deny women across the

State of Illinois the right to choose? Is that your purpose here?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

My purpose is to recognize that the State of Illinois and the taxpayers of the State of Illinois do not have an obligation to fund the exercise of every constitutional right.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Ronen.

SENATOR RONEN:

Well, as -- as I said, we can argue back and forth. We -- they do have the responsibility to provide health care, and to single out twenty-two poor women, I think is abhorrent. This is a very powerful group. But this -- this bill will probably pass, likely will pass without not -- won't be surprised by that, and we should take no pride in the fact that -- that we -- that we'll win this -- that you will win this argument. All of us -- all of -- all of these powerful peoples, in both Bodies of this General Assembly, against twenty-two poor women. It's not a really fair match, but that's what we're doing. We're being bullies. And we're -- we're being mean-spirited and we're picking on the most

vulnerable -- the most vulnerable people in our society because we want to make a statement about choice, but you don't want to say, well, let's really -- let's debate the issue of abortion and let's do it in a way that maybe the public won't agree with you. If you want to debate Roe v. Wade, if you want to debate a woman's right to choose, why don't we just do that? But let's not pick on twenty-two poor women while we do that. I would just urge all my colleagues to vote No or Present on this bill. It's -- there's no purpose to it. It serves no financial need. Twenty-two women, only, at a cost of thirteen thousand dollars to the State. We're not talking about outrageous payments of -- of taxpayers' dollars. This is just mean-spirited and -- and I think we all have to stand up and say, although we have the power to punish twenty-two women, we're not going to do it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Jacobs.

SENATOR JACOBS:

Just a little follow-up along the lines of what Senator Ronen was saying. Would you agree with the -- the premise that the absence -- or, I should say -- yeah, the absence of health is death?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

I don't understand your question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

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SENATOR JACOBS:

Well, I -- I guess it's that fine line, and I -- I have to agree with Senator Ronen. There comes a point that if you don't protect the health of the mother, the mother dies. But, yet, we are contradicting ourselves by saying that we want -- we still will fund abortions to save the life of the mother, but there becomes that fine line where the absence of health becomes death. And at what time do you make that decision and who's going to play Solomon in those cases?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Senator Jacobs, I -- I understand the point you're trying to make. There is no intent here to stand in the way of somebody's right to exercise their -- their freedom, their -- their privacy

right to an abortion. And for the twenty-two poor women who need this service, I would respectfully suggest that -- that -- that foundations and organizations that believe in abortion ought to step up to the plate and help these poor women. We're not standing in the way of anyone exercising their right here. All we're saying is that there is no obligation on behalf of the State to pay for the exercise of that right.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jacobs.

SENATOR JACOBS:

...going to -- I'm not going to belabor the point, Senator, but it just appears to me that somewhere along the line, the doctor -- we're still giving a lot of discretion to a doctor, it seems to me, because that doctor is going to make a decision that this is going to save the life of the -- of the mother, for it to be funded. Well, to me, then he has to preserve her health to do that, and I think that this is going to be very hard to enforce,

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regardless of what your intentions may be, and I ask for a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. And to my colleague, I want to ask you a question, please. In -- in committee, there was a letter read by one of the speakers there, and this -- it was telling the story about a lady that was raped. She was a mother, and she was raped and she rushed to the hospital in order to try to be checked, to get some kind of pills or something that would make sure that she would not become pregnant. And the -- the doctor, I understand, denied her. Is that the right... I'm sorry. Please. But I have a question I want to ask you, because you did handle that bill, too. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Further discussion? Senator Lisa Madigan.

SENATOR L. MADIGAN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think that the issue that we're presented with in -- in House Bill 709 is not necessarily an easy one. So it is not simply a matter if you are pro-choice or pro-life when we decide this bill. Most of you in this Body have wives who are mothers. Some of you in this Chamber are mothers yourselves and you know that there are all sorts of physical changes that happen to a woman when she's pregnant, and most of these -- or, a lot of these we consider normal. So there are things that people live with and that they will continue to be able to suffer through. So, women, as they get more pregnant, their backs start to hurt and they get more tired, but these are not permanent conditions that women have to live with because of pregnancy. Now, there are certain conditions

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that do happen to women physically that they do continue to live with, and -- and we can talk about some of those. We can talk about their hemorrhoids; we can talk about stretch marks; we can talk about varicose veins; but, again, those things are not life-threatening. As we go farther down the spectrum, there are certain physical ailments and conditions that women can be afflicted by that potentially can be life-threatening or can be something that will impair the quality of a woman's life, things such as potentially -- potential kidney failure, and it becomes a question that I think that Senator Jacobs started to address and I think that Senator Ronen addressed, as well, in terms of where do we make a cutoff, where do we say that it's a woman's health that is the cause or that it is her potential death that is the cause of having a need for abortion services. So the question that's presented to me in House Bill 709 is really, at what point does a woman lose the right to the integrity of her life? And I fear that by voting for House Bill 709, what we here in Illinois are saying is that a woman loses the right to the integrity of her life when she is poor, and that is not a position that I am comfortable with and I would urge either a No or a Present vote

on this bill because of that.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Mr. President. What is the purpose of passing this bill? It -- it's clearly unconstitutional. In 1994, Doe versus Wright, the court decision allowed the Illinois Department of Public Aid to pay for abortion to protect a woman's health; found that under the Illinois Constitution, poor pregnant women cannot be treated differently from all other recipients of medical assistance whose medically necessary treatment is reimbursed by this State. In other words, if the State is going to have a

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Medicaid program to provide medically necessary care, it cannot single out pregnant women and deny them one type of medically necessary care when no other group is singled out. This comes into play, and exactly what some of the other speakers said: When do you decide when a woman is -- is dying or when she has health problems that are going to lead to her death? Do you wait until she's so sick where she almost is dying or on her death bed? Or can that doctor, then, have the -- have the option of knowing that

these are going to lead to that, and where does he really come in with that decision? This is something that is unconstitutional. There is no need to do this. I would urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President. Again, this is not a new issue and many of us have been here before and -- and struggled with this issue, I'm sure. Or some of you have struggled. Some it hasn't been easy; some it is easier than others. But suffice is to say the intent of this bill is not to stand in the way of any woman's constitutional right, as recognized by the Supreme Court today, to abortion. All we're saying is that -- that we ought not to be obligated to pay for the exercise of that right. We recognize many constitutional rights, but there is not a corresponding obligation to fund the -- the exercise of that right. I believe -- I'm advised by legal counsel that this is drafted in compliance with federal law. We're hopeful and confident that it will withstand constitutional muster, and I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 709 pass. Those in favor will vote Aye. Opposed, Nay. The open -- voting is open. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Take the record, Madam Secretary. On that question, there are 33 Ayes, 23 Nays, 2 Members voting Present. House Bill 709, having received the required constitutional majority, is declared passed. Resolutions Consent Calendar. We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all of those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolutions on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Messages.

SECRETARY HARRY:

Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate Rule 2-10(e), I hereby extend the deadlines for final action on the following category of bills, with specific bills enumerated under this category to January 9th, 2001:

Appropriations - specifically, House Bills 4357, 4435, 4437, 4438, 4439, 4440, 4441, 4442, 4443, 4444, 4564, 4572, 4573 and 4576.

State Finance - specifically, House Bills 4582, 4583 and 4584.

Budget Implementation - specifically, House Bills 4374, 4587,
4588.

Education Funding - specifically, House Bill 4030.

Revenue - specifically, House Bills 3872, 3873, 3875, 3876 and
3939.

Government Operations - specifically, House Bills 2855 and
3640.

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Pensions - specifically, House Bill 1583.

Transportation - specifically, House Bill 3032.

Criminal Justice - specifically, House Bill 1407.

Local Government - specifically, House Bills 3114 and 3225.

And Insurance - specifically, House Bill 986.

The letter, dated April 7th, 2000, and signed by President Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, let me have your attention.
Is there any further business to come before the Senate? If not,
Senator Peterson moves that the Senate stand adjourned, pursuant
to the adjournment resolution -- I'm sorry. There is no
adjournment resolution. The Senate will stand adjourned until 3

p.m. 3 p.m. 3 p.m., Monday, April 10th. 3 p.m. Senate stands
adjourned.